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1985-4

**FIN**

*Final Status of Natural Resource Legislation*

**OF  
NATURAL  
RESOURCE  
LEGISLATION  
IN  
THE 49TH  
MONTANA  
LEGISLATURE**

Montana Environmental Quality Council  
Capitol Station  
Helena, Montana 59620  
(406) 444-3742

1985

# Montana Environmental Quality Council

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# PREFACE

**The Final Status of Natural Resource Legislation in the 49th Montana Legislature** provides a listing of environmentally related legislation introduced in the 1985 Legislature.

The status can be used to evaluate developments on a variety of natural resource subjects. It also provides background information for future policy decisions and is a valuable research document for citizens interested in environmental legislation.

The status includes titles or brief summaries for all natural resource bills, vote tallies for bills that passed, and committee assignments for bills that died. For copies of specific bills contact the Legislative Council, State Capitol, Helena, MT 59620.

Natural resource legislation remained a strong concern in the 1985 Legislature; one of every six bills introduced addressed natural resource issues. Mineral and petroleum development generated the most legislative activity, particularly use of the coal severance tax and resource indemnity trust tax, reclamation, and local impact mitigation.

Water policy legislation was among the major natural resource issues considered in the 1985 session. HB 680 is a comprehensive bill intended to protect Montana's control over state water resources, particularly in relation to claims from downstream interests. The bill addresses several controversial issues, including establishing a state water leasing program and repealing the ban on using Montana water for coal slurry. HB 680 also establishes new water policy guidelines for Montana and creates a permanent legislative Water Policy Committee to oversee water policy planning.

Stream access was one of the most hotly debated issues in the session, as the Legislature sought to resolve issues raised by recent Montana Supreme Court rulings. Legislation adopted defines laws relating to recreational use of state waters and clarifies the rights and responsibilities of landowners and recreationists.

The Legislature undertook several major initiatives in hazardous materials management. The "Employee and Community Hazardous Chemical Information Act" requires employers to provide information concerning hazardous chemicals in the workplace. This law is intended to enhance worker and community safety by making information available on the potential hazards and safe handling of chemicals in the workplace. Other hazardous materials legislation allows the Department of Health and Environmental Sciences to regulate underground storage tanks and to take emergency action to prevent or alleviate releases of hazardous materials into the environment.

Weed control laws underwent major revision in the 1985 Legislature and a trust fund for weed management projects, funded by a tax on herbicides, was established.

The Environmental Quality Council prepared the **Final Status of Natural Resource Legislation in the 49th Montana Legislature** as a service to legislators and the public. The Montana Environmental Policy Act (MEPA), enacted in 1971, charges the council with researching and reviewing state regulations and policies affecting Montana's environment, gathering information on current environmental issues, and recommending measures to promote the general welfare of present and future generations of Montanans. For more information on EQC publications and activities write the EQC, Capitol Station, Helena, MT 59620, or phone (406) 444-3742.



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FINAL STATUS  
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# AIR QUALITY

See also HB 766 p. 62

## Killed

HB 407 Ream

Allows counties or municipalities with a local air pollution control program to assess an air pollution control program license registration fee of \$1.50 on certain motor vehicles.

Amending: 75-2-301

Committee Hearings: House Local Government  
Died in House 44-52.

HB 829 Kadas

Allows counties or municipalities to establish a motor vehicle emission inspection program if federal or state ambient air quality standards are being violated or may be violated. Also allows a municipality or county to require that motor vehicles subject to its ordinances demonstrate compliance with local motor vehicle emission standards prior to issuance of registration.

Amending: 75-2-301 and 75-2-302

Committee Hearings: House Local Government  
Died in committee.



# ENERGY

## Major Facility Siting

See also HB 680 p. 71

### Passed

HB 362 Bardanouve

Provides for renewal of certificates of environmental compatibility and public need issued under the Montana Major Facility Siting Act.

Amending: 75-20-302 and 75-20-303

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 98-0; Senate 45-0

Third Reading Votes: House 98-0; Senate 47-0

HB 543 Miles

Changes the date for filing long-range plans under the Major Facility Siting Act from April 1 to July 1 of each year.

Amending: 75-20-501

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 99-0; Senate 50-0

Third Reading Votes: House 95-0; Senate 50-0

HB 750 Bardanouve

Generally revises and clarifies the Montana Major Facility Siting Act.

Amending: 75-20-202, 75-20-303, 75-20-402 and 75-20-501

Repealing: 75-20-214

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 96-0; Senate 48-1

Third Reading Votes: House 100-0; Senate 50-0

Senate amended, House concurred 87-10.

HB 755 D. Brown

Revises the Major Facility Siting Act by changing the filing fee paid for processing applications and by providing for hearings on the revocation or suspension of certificates.

Amending: 75-20-215 and 75-20-403

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 94-0; Senate 50-0

Third Reading Votes: House 99-0; Senate 50-0

## **Killed**

SB 348 Keating

Amends the Montana Major Facility Siting Act to:

- redefine "utility" to mean any person furnishing energy and subject to rate of return or rate regulation by a state or federal regulatory body or protected from competition by a guaranteed monopoly of service in a service area;
- specify that a non-utility is not required to show need for a proposed facility; and
- eliminate the requirement of baseline studies for alternative sites.

Amending: 75-20-102, 75-20-104, 75-20-211, 75-20-216, 75-20-301, and 75-20-304

Committee Hearings: Senate Natural Resources

Adverse committee report. Died in Senate, 21-29.

## **Renewable Energy and Conservation**

See also HB 71 p. 45

## **Passed**

HB 336 Quilici

Removes the requirement that the Pacific Northwest Electric Power and Conservation Planning Council submit an annual report to the governor and legislature.

Amending: 90-4-403

Committee Hearings: House State Administration  
Senate Natural Resources

Second Reading Votes: House 73-26; Senate 49-0

Third Reading Votes: House 76-23; Senate 50-0



HB 730 Cohen

Revises laws relating to weatherization. Requires the Department of Social and Rehabilitation Services to allocate and spend at least five percent of funds received from the federal low-income home energy assistance program for home weatherization.

Amending: 90-4-201 and 90-4-202

Committee Hearings: House Human Services

Senate Public Health, Safety, and Welfare

Second Reading Votes: House 83-15; Senate 49-0

Third Reading Votes: House 84-16; Senate 47-2

HB 909 Manuel

Provides for the administration and awarding of grants to state governmental units for energy conservation measures.

Amending: 90-4-02, 90-4-104, and 90-4-106

Committee Hearings: House Appropriations, Natural Resources  
Subcommittee; Senate Finance and Claims

Second Reading Votes: House 95-0; Senate 49-0

Third Reading Votes: House 100-0; Senate 49-0

Senate amended, House concurred 97-1.

SB 309 Mohar

Allows a tax credit for the installation of low emission wood or biomass combustion devices and extends the date for which the energy tax credit may be taken to December 31, 1992.

Amending: 15-32-102, 15-32-201, and 15-32-203

Committee Hearings: Senate Taxation; House Taxation

Second Reading Votes: Senate 26-16; House 59-38

Third Reading Votes: Senate 40-9; House 69-31

House amended, Senate concurred 41-4.

SB 400 Yellowtail

Limits the tax incentive for the production of alcohol by requiring that Montana-produced alcohol be blended with gasoline to produce gasohol. Extends the alcohol tax incentive to Montana-produced alcohol exported and blended with gasoline.

Amending: 15-70-201, 15-70-503, 15-70-522, and 15-70-523

Committee Hearings: Senate Taxation; House Taxation

Second Reading Votes: Senate 44-0; House 90-8

Third Reading Votes: Senate 48-2; House 84-10

House amended, Senate concurred 49-0.

Governor amended: Senate concurred 48-0, House concurred 77-15

## Killed

### HB 311 Koehnke

Extends the tax incentive for the production of alcohol as a component of gasohol and allows the tax incentive for alcohol produced for use in gasohol whether used in the state or exported.

Amending: 15-70-201, 15-70-503, and 15-70-522

Committee Hearings: House Taxation  
Died in committee.

### HB 499 Kadas

Makes utility purchase of, or investment in, conservation mandatory and provides that resources currently in the utility's rate base may not be removed because of such purchase or investment.

Amending: 69-3-703

Committee Hearings: House Business and Labor  
Died in committee.

### HB 548 Rapp-Svrcek

Extends the tax incentive for the production of alcohol as a component of gasohol. Alcohol produced for gasohol from wood or wood products is eligible for the tax incentive and the incentive extends to alcohol produced for use in gasohol whether used in the state or exported. Also revises the time period for which the tax incentive is available and limits production to three million gallons annually per alcohol distributor.

Amending: 15-70-201, 15-70-503 and 15-70-522

Committee Hearings: House Taxation  
Died in committee.

### HB 666 Kadas

Would allow conservation purchases or investments for all buildings and processes if the utility's full avoided costs are not exceeded.

Amending: 69-3-701 and 69-3-702

Committee Hearings: House Business and Labor  
Died in committee.



HB 677 Winslow

Removes the time limitation on the tax incentive of 50 cents per gallon for Montana distilled alcohol to be blended with gasoline for sale as gasohol.

Amending: 15-70-522

Committee Hearings: House Taxation  
Died in committee.

HB 694 Asay

Requires the Public Service Commission to set rates for utility purchases from qualifying facilities at the utility's avoided cost and specifies the avoided cost under certain circumstances.

Amending: 69-3-604

Committee Hearings: House Business and Labor, Senate Natural  
Resources  
Died in Senate committee.

HB 874 Kadas

Requiring a utility supplying natural gas or electricity to invest up to 10 percent of its forecasted total utility operation income (as determined by the Public Service Commission) in home weatherization for low-income housing.

Amending: 69-3-103, 69-3-701, and 69-3-703

Committee Hearings: House Business & Labor  
Adverse committee report. Died in House 20-74.

HB 936 Hand

Appropriates \$1,500,000 to construct a multi-county solid waste incinerator and power generation facility at Western Montana College.

Committee Hearings: House Appropriations, Long Range Planning  
Subcommittee  
Died in committee.

SB 238 Lane

Allowing a tax incentive for alcohol produced in Montana and exported to be blended with gasoline for sale as gasohol.

Amending: 15-70-201, 15-70-522, and 15-70-523

Committee Hearings: Senate Taxation  
Died in committee.

SB 394 Lynch

Requiring any county, municipal or special district proposing to construct, operate, and maintain hydroelectric generation and associated facilities outside its boundaries to obtain the approval of the affected board of county commissioners.

Committee Hearings: Senate Business and Industry  
Died in Senate 22-28.

SB 437 Fuller

Provides a tax credit for the installation of nonfossil-fuel energy systems in Montana.

Repealing: 15-32-201 through 15-32-203

Committee Hearings: Senate Taxation  
Died in committee.

## Other

### Passed

HB 121 Nathe

Directs the Public Service Commission to prescribe a classification for electricity rates that allows a substantial reduction of charges for electricity used for domestic purposes in areas where present utility rates have created an unreasonable economic impact on residential customers who lack an alternative to electricity for heating and essential home usage because no other public utility exists to compete with the electric utility.

Amending: 69-3-306

Committee Hearings: House Business and Labor  
Senate Business and Industry

Second Reading Votes: House 48-47; Senate 50-0

Third Reading Votes: House 57-41; Senate 46-0



HB 380 Bradley

Eliminates nonduplication provisions from rural cooperative utilities law.

Amending: 35-18-105 and 35-18-106

Committee Hearings: House Judiciary; Senate Business and Industry

Second Reading Votes: House 98-0; Senate 50-0

Third Reading Votes: House 98-0; Senate 47-0

HB 852 Harp

Provides an exemption for certain persons from regulation as public utilities and excludes them from the definition of "public utility."

Amending: 69-3-101

Committee Hearings: House Business and Labor  
Senate Business and Industry

Second Reading Votes: House 95-2; Senate 48-0

Third Reading Votes: House 93-4; Senate 50-0

HJR 35 D. Brown

A resolution in support of the national effort to advance the development of magnetohydrodynamics technology to a commercially viable stage.

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 93-2; Senate 50-0

Third Reading Votes: House 94-5; Senate 47-2

HJR 51 Connelly

A resolution requesting the Bonneville Power Administration to establish fair, just, and reasonable power rates for the northwest aluminum industry to allow the industry to meet competition in the world market.

Committee Hearings: House Business & Labor  
Senate Business and Industry

Second Reading Votes: House 88-7; Senate 49-8

Third Reading Votes: House 90-5; Senate 48-0

SB 272 Mohar

Clarifies the eligibility and license compliance provisions related to the development of hydroelectric power generation at state-owned

water projects, and provides for a power generation negotiation process.

Amending: 85-1-503 and 85-1-506

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 47-0; House 76-0

Third Reading Votes: Senate 45-0; House 96-1

### SJR 30 Christiaens

A resolution honoring the Rural Electrification Administration on its 50th anniversary.

Committee Hearings: Senate Business and Industry  
House State Administration

Second Reading Votes: Senate 50-0; House 94-1

Third Reading Votes: Senate 50-0; House 98-0

## **Killed**

### HB 868 Kadas

Would require certain public utilities to submit a biennial plan to the Public Service Commission projecting energy demands, available resources to meet the demands, the projected economic costs of the specific resources needed to meet the demands, and the best combination of resources available to meet these demands or to reduce them.

Amending: 69-3-103

Committee Hearings: House Business and Labor  
Adverse committee report. Died in House 27-66.

### HB 898 Kadas

Authorizes the creation of "People's Energy Districts" to supply electricity and natural gas within the district. The district may not generate a profit from such services.

Amending: 69-3-101

Committee Hearings: House Business and Labor  
Adverse committee report. Died in House 26-67.



SB 444 Halligan

Would require the Public Service Commission to adopt rules to recognize a citizen's utility organization that represents and advocates the interests of residential utility consumers and to allow the organization access to utility customer billing.

Committee Hearings: Senate Natural Resources  
Died in Senate 15-34.

# ENVIRONMENTAL QUALITY

See also HB 899 p. 65 and SB 452 p. 63

## General

### Passed

HB 258 Cohen

Adds the Director of the Department of Health and Environmental Sciences, or his designee, to the Flathead Basin Commission as an ex officio member.

Amending: 2-15-213

Committee Hearings: House State Administration  
Senate Natural Resources

Second Reading Votes: House 94-1; Senate 49-0

Third Reading Votes: House 100-0; Senate 47-3

HB 488 Iverson

Establishes a Montana-Western Canadian Provinces Boundary Advisory Committee to strengthen regional cooperation and encourage economic, cultural, and educational exchanges.

Committee Hearings: House State Administration  
Senate State Administration

Second Reading Votes: House 96-0; Senate 47-0

Third Reading Votes: House 95-2; Senate 48-0

HB 732 Cohen

Authorizes the Flathead Basin Commission to receive and expend donations, gifts, grants, and other money to fulfill its duties without appropriation by the legislature.

Amending: 75-7-305

Committee Hearings: House State Administration  
Senate State Administration

Second Reading Votes: House 80-4; Senate 48-0

Third Reading Votes: House 95-1; Senate 50-0

HB 812 Bradley

Creates a Montana Science and Technology Development Board to foster economic growth. Appropriates money to the Board from the Alternative Energy and Energy Conservation Research Development and Demonstration Account.

Committee Hearings: House Appropriations; Senate Finance and Claims

Second Reading Votes: House 68-30; Senate 38-5

Third Reading Votes: House 66-33; Senate 41-8

Governor Amended: House concurred 75-24, Senate concurred 45-4.

HB 860 D. Brown

Authorizes the state library to implement and operate the Natural Resource Information System and the Natural Heritage Program.

Amending: 2-15-1018, 90-15-101 through 90-15-103, 90-15-201,  
90-15-202, and 90-15-301 through 90-15-304

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 94-0; Senate 48-0

Third Reading Votes: House 98-2; Senate 50-0

SJR 6 Blaylock

A resolution to name the new Department of Natural Resources and Conservation building the "Lee Metcalf Building" in recognition of the many contributions Lee Metcalf made to the people of Montana through his work and concern for environmental protection, conservation, and preservation of natural resources and wildlife.

Committee Hearings: Senate Administration; House Natural Resources

Second Reading Votes: Senate 27-23; House 58-15

Third Reading Votes: Senate 27-22; House 69-29



## Killed

### HB 63 Donaldson

Appropriates \$219,400 for an earthquake hazard evaluation of western Montana by the Montana Bureau of Mines and Geology. The evaluation will include an inventory and geologic mapping of all active and potentially active faults, and an expansion of the seismic monitoring network currently operated by the bureau.

Committee Hearings: House Appropriations, Education Subcommittee  
Died in committee.

### HB 697 Krueger

Prohibits the use of slag or other mining or smelting byproducts in road maintenance.

Committee Hearings: House Highways and Transportation  
Adverse committee report. Died in House 35-63.

### HB 823 Kadas

Replaces the Youth Conservation Corps with the Montana Conservation Corps and establishes eligibility requirements for work projects and corps enrollees. Provides funding for the Montana Conservation Corps through a license fee on arcade amusement devices.

Amending: 76-21-101 through 73-21-103, 76-21-201, 76-21-205 through 76-21-207, and 76-21-301

Repealing: 7-21-2203 and sections 11 through 13, chapter 652, Laws of 1983

Committee Hearings: House State Administration  
Died in House 40-56.

### HJR 27 Nisbet

A joint resolution honoring the appearance of Halley's Comet and encouraging Montanans to dim or extinguish outdoor lighting on the nights in March and April, 1986 when the comet may best be viewed.

Committee Hearings: House Education and Cultural Resources  
Senate Natural Resources  
Adverse Senate committee report. Died in Senate 3-41.

# Montana Environmental Policy Act

## Killed

SB 410 Keating

Making the issuance of a permit to drill a well for oil or gas not a major action of state government under the provisions of the Montana Environmental Policy Act.

Amending: 75-1-201

Committee Hearings: Senate Natural Resources  
Adverse committee report. Died in Senate 22-28.

# FISH AND WILDLIFE

## Hunting, Fishing, Trapping, Outfitting

## Passed

HB 282 Menahan

Authorizes the Fish and Game Commission to auction one male mountain sheep permit each year. The proceeds of this auction will be used to benefit mountain sheep.

Committee Hearings: House Fish and Game; Senate Fish and Game  
Second Reading Votes: House 93-5; Senate 35-7  
Third Reading Votes: House 95-5; Senate 43-5

HB 406 Ream

Increases certain hunting and fishing license fees.

Amending: 87-2-301, 87-2-302, 87-2-304, 87-2-306, 87-2-505 and  
87-2-711

Committee Hearings: House Fish and Game; Senate Fish and Game  
Second Reading Votes: House 75-23; Senate 47-1  
Third Reading Votes: House 82-17; Senate 39-10



HB 692 Janet Moore

Establishes a class of trapping license for youths age six through twelve and places a minimum age restriction on other trapping licenses.

Amending: 87-2-601 and 87-2-603

Committee Hearings: House Fish and Game; Senate Fish and Game

Second Reading Votes: House 83-7; Senate 47-1

Third Reading Votes: House 95-5; Senate 42-7

HB 763 Menahan

Provides for special wild buffalo licenses and for regulation of special wild buffalo licenses.

Amending: 87-2-101 and 87-2-701

Repealing: 87-5-303

Committee Hearings: House Fish and Game; Senate Fish and Game

Second Reading Votes: House 69-29; Senate 43-5

Third Reading Votes: House 63-32; Senate 43-5

Senate amended, House concurred 93-4.

HB 764 Harp

Allows hunting by certain disabled persons from within a self-propelled vehicle and from within a vehicle parked on the shoulder, berm, or borrow-pit right-of-way of a public highway, except a state or federal highway.

Amending: 61-8-369, 87-2-803, and 87-3-101

Committee Hearings: House Fish and Game; Senate Fish and Game

Second Reading Votes: House 89-2; Senate 50-0

Third Reading Votes: House 95-2; Senate 47-1

SB 197 Yellowtail

Amends the laws relating to fishing, hunting, trapping, and camping licenses for various classes of licensees.

Amending: 23-1-105, 87-2-111, 87-2-403, 87-2-506 and 87-2-805

Committee Hearings: Senate Fish and Game; House Fish and Game

Second Reading Votes: Senate 50-0; House 87-0

Third Reading Votes: Senate 50-0; House 97-0

House amended, Senate concurred 47-3.

## Killed

### HB 39 Ellison

Expands the existing requirements for landowner permission to hunt big game to include all hunters and fishermen.

Amending: 87-3-304

Committee Hearings: House Fish and Game  
Died in committee.

### HB 91 Ernst

Allows bears to be hunted with the aid of dogs.

Amending: 87-3-124

Committee Hearings: House Fish and Game  
Adverse committee report. Died in House 5-91.

### HB 93 Ernst

Requires the Department of Fish, Wildlife and Parks to allow and regulate the use of dogs for hunting lynx, mountain lion, and bobcat.

Amending: 87-3-124 and 87-3-127

Committee Hearings: House Fish and Game  
Died in House 29-56.

### SB 388 Jacobson

Allows a disabled person to name another person to shoot a game animal for the disabled person under the disabled person's license and in his presence.

Amending: 87-2-803

Committee Hearings: Senate Fish and Game; House Fish and Game  
Died in House 17-78.



# Other

See also SB 380 p. 30

## Passed

### HB 81 Ellison

Designates the duck-billed dinosaur, Maiasaura peeblesorum, as the official state fossil.

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 96-0; Senate 50-0

Third Reading Votes: House 97-0; Senate 46-3

### HB 159 Rapp-Svrcek

Provides for the sale or disposal of wild animals killed by the Department of Fish, Wildlife, and Parks, or a landholder authorized to kill wild animals, because of property damage.

Amending: 87-1-226, 87-1-511, and 87-1-513

Committee Hearings: House Fish and Game; Senate Fish and Game

Second Reading Votes: House 95-0; Senate 44-0

Third Reading Votes: House 100-0; Senate 49-1

### HB 557 D. Brown

An act to consider as residents for the purpose of obtaining fishing and hunting licenses those nonresidents who meet certain conditions, including being employed in Montana for at least the preceding 12 months and paying taxes in Montana.

Amending: 87-2-102 and 87-2-106

Committee Hearings: House Judiciary; Senate State Administration

Second Reading Votes: House 58-35; Senate 28-11

Third Reading Votes: House 71-28; Senate 43-6

### HB 581 Wallin

Authorizes the Department of Fish, Wildlife and Parks to issue

avicultural permits for the taking of migratory game birds for propagation purposes.

Amending: 87-4-902

Committee Hearings: House Fish and Game; Senate Fish and Game

Second Reading Votes: House 91-4; Senate 47-0

Third Reading Votes: House 97-2; Senate 46-2

HB 611 Devlin

Requires that certain bears, wolves, tigers, mountain lions, or coyotes captured or held in captivity be permanently tattooed or otherwise permanently identified. Provides compensation for damages caused by these animals held in captivity.

Committee Hearings: House Fish and Game; Senate Fish and Game

Second Reading Votes: House 89-9; Senate 50-0

Third Reading Votes: House 83-15; Senate 47-1

Senate amended, House concurred 77-21.

HB 770 Ream

Controls the importation for introduction and the transplantation or introduction of wildlife.

Amending: 87-3-105

Committee Hearings: House Fish and Game; Senate Fish and Game

Second Reading Votes: House 95-2; Senate 50-0

Third Reading Votes: House 92-3; Senate 48-0

Senate amended, House concurred 95-3.

HB 820 Rapp-Svrcek

Requires purchase of a stamp to hunt waterfowl and the proceeds generated by the sale of stamps and related artwork to be used for preservation and development of wetlands. Also requires the appointment of an advisory council to advise the Department of Fish, Wildlife, and Parks on the use of the money.

Committee Hearings: House Fish and Game; Senate Fish and Game

Second Reading Votes: House 74-22; Senate 24-14

Third Reading Votes: House 71-27; Senate 35-14

Senate amended, House concurred 83-15.

HB 911 Hannah

Provides specific requirements for posting land for purposes of the criminal trespass law. Expands the authority of wardens to enforce



the criminal mischief, criminal trespass, and litter laws on private lands being used for recreational purposes.

Amending: 45-6-201 and 87-1-504

Committee Hearings: House Judiciary; Senate Judiciary  
Second Reading Votes: House 89-10; Senate 39-0  
Third Reading Votes: House 88-12; Senate 50-0  
Senate amended, House concurred 81-17.

#### HJR 36 Grady

A resolution requesting an interim study of ways of alleviating damage caused by wild animals to agricultural crops, land, and fixtures thereon.

Committee Hearings: House Fish and Game; Senate Fish and Game  
Second Reading Votes: House 91-6; Senate 50-0  
Third Reading Votes: House 94-3; Senate 42-5

#### SB 209 Mohar

Creates a Fish and Wildlife Crimestoppers Program within the Department of Fish, Wildlife and Parks to assist in detecting and combating fish and wildlife-related crimes.

Committee Hearings: Senate Fish and Game; House Fish and Game  
Second Reading Votes: Senate 37-12; House 93-3  
Third Reading Votes: Senate 33-17; House 94-3  
House amended, Senate concurred 46-4.

#### SB 334 Crippen

Revises the nongame wildlife checkoff provisions on the state income tax form to allow all taxpayers to contribute to the fund. Allows the Department of Revenue to deduct the administrative costs of the program for fiscal years 1986 and 1987.

Amending: 15-30-150 and 87-5-121

Committee Hearings: Senate Fish and Game; House Taxation  
Second Reading Votes: Senate 35-13; House 85-11  
Third Reading Votes: Senate 41-7; House 88-12

#### SB 371 Mohar

Prohibits certain purchases and sales of grizzly bear parts. Provides for disposition of seized grizzly bear parts and for

registration of certain grizzly bear parts. Removes the grizzly bear from the definition of game farm animal.

Amending: 87-1-511, 87-3-111, 87-4-406, and 87-4-702

Committee Hearings: Senate Fish and Game; House Fish and Game

Second Reading Votes: Senate 49-0; House 56-36

Third Reading Votes: Senate 47-1; House 61-39

House amended, Senate concurred 44-0.

## **Killed**

### HB 17 Marks

Would eliminate the requirement that land be posted for the offense of criminal trespass to apply and would expand the authority of game wardens to enforce criminal mischief, criminal trespass and litter laws on private land being used for recreational purposes.

Amending: 10-1-612, 45-6-201, 45-6-203, and 87-1-504

Committee Hearings: House Judiciary

Adverse committee report. Died in House 37-60.

### HB 191 Asay

Provides reimbursement to a landowner for certain property damage by wild animals if the Department of Fish, Wildlife, and Parks fails to implement appropriate corrective action within 48 hours of a request or complaint. Claims shall be disapproved if the landowner has not permitted hunting of the species of animal causing the damage.

Amending: 87-1-225 and 87-1-304

Committee Hearings: House Fish and Game

Adverse committee report. Died in House 36-60.

### HB 314 Cobb

Provides the Department of Fish, Wildlife and Parks with the option of herding wild animals causing damage off of the landowner's property.

Amending: 87-1-225

Committee Hearings: House Fish and Game

Died in committee.



HB 388 Cobb

Directs the Department of Fish, Wildlife, and Parks to mitigate problems of substantial damage to property by wild animals.

Amending: 87-1-201

Committee Hearings: House Fish and Game  
Died in committee.

HB 789 Abrams

Increases the cost of a wildlife conservation license from \$2 to \$4 and allocates \$2 of the fee to county noxious weed programs in direct proportion to the area of each county.

Amending: 7-22-2142, 87-1-601, 87-2-202, and 87-2-204

Committee Hearings: House Agriculture  
Died in committee.

HB 828 Ream

Adding the white sturgeon (Acipenser transmontanus) to the Montana endangered species list.

Amending: Rule 12.5.201, Administrative Rules of Montana

Committee Hearings: House Fish and Game  
Died in House 40-59.

HB 892 Harper

Would establish a Riparian Lands Protection Act to provide a property tax exemption for designated riparian habitats and wetlands. Specifies eligibility and review procedures for designation.

Amending: 15-6-201

Committee Hearings: House Natural Resources; Senate Taxation  
Adverse Senate committee report. Died in Senate 33-15.

SB 435 Galt

Provides that permission of the landowner must be obtained prior to using private land for recreational purposes.

Amending: 87-1-504 and 87-1-505

Committee Hearings: Senate Natural Resources; House Judiciary  
Adverse House committee report. Died in House 37-57.

SJR 18 Fuller

A resolution requesting the Department of Fish, Wildlife, and Parks to study the feasibility of increasing upland game and license fees to fund projects whose purpose is the improvement of upland game bird habitat and propagation.

Committee Hearings: Senate Fish and Game; House Fish and Game  
Adverse House committee report. Died in House 16-71.

# LAND USE

## Annexation

### Passed

HB 384 Bergene

Provides that an election on the question of whether to annex is not necessary if all the property owners in the territory to be annexed have signed the annexation petition.

Amending 7-2-4601 and 7-2-4606

Committee Hearings: House Local Government; Senate Local Government  
Second Reading Votes: House 63-36; Senate 48-0  
Third Reading Votes: House 71-22; Senate 46-3

HB 505 Nathe

Clarifies that cities and towns of the second and third class are governed by the state annexation provisions.

Amending: 7-2-4321 and 7-2-4325

Committee Hearings: House Local Government; Senate Local Government  
Second Reading Votes: House 96-3; Senate 48-0  
Third Reading Votes: House 97-3; Senate 49-0



HB 558 Rehberg

Makes any freeholder eligible to approve or disapprove annexation of property by a municipality providing services, and increases the time allowed for written expressions of approval or disapproval.

Amending: 7-2-4710

Committee Hearings: House Local Government; Senate Local Government

Second Reading Votes: House 75-19; Senate 48-0

Third Reading Votes: House 60-40; Senate 49-0

House concurred with Senate amendments 86-11.

**Killed**

HB 642 Hansen

Would allow a municipality to annex high-density land (at least three dwelling units per acre) contiguous to its corporate limits.

Committee Hearings: House Local Government

Adverse committee report. Died in House 49-51.

HB 841 Eudaily

Generally revising the law concerning annexation. Revises what must be contained in a plan for extension of services and requires a notice to contain a statement of the number of freeholders affected. Also increases the notice period.

Amending: 7-2-4205, 7-2-4305, 7-2-4312 through 7-2-4314, 7-2-4323, 7-2-4324, 7-2-4405, 7-2-4501, 7-2-4506, 7-2-4610 and 7-2-4732

Committee Hearings: House Local Government

Died in committee.

# Conservation Districts

## Passed

HB 372 Grady

Generally revises and clarifies the law pertaining to conservation districts.

Amending: 76-15-201, 76-15-301 through 76-15-303, 76-15-502,  
76-15-710, and 76-15-721

Repealing: 76-15-504

Committee Hearings: House State Administration  
Senate Natural Resources

Second Reading Votes: House 98-0; Senate 49-0

Third Reading Votes: House 98-0; Senate 50-0

# Eminent Domain

## Passed

HB 891 Addy

Generally revises the laws pertaining to eminent domain.

Amending: 70-30-110, 70-30-203, 70-30-207 and 70-30-322

Committee Hearings: House Natural Resources; Senate Judiciary

Second Reading Votes: House 97-0; Senate 50-0

Third Reading Votes: House 100-0; Senate 49-0

Senate amended, House concurred 96-1.

Governor amended: House concurred 95-1, Senate concurred 49-0.



# Farmland Preservation

## Passed

### HJR 15 Schye

Requests the Montana Agricultural Experiment Station develop a comprehensive research program in sustainable agriculture and widely disseminate all information concerning sustainable agriculture to Montana agriculturists.

Committee Hearings: House Agriculture; Senate Agriculture

Second Reading Votes: House 95-4; Senate 48-0

Third Reading Votes: House 93-7; Senate 47-2

### HJR 28 Rapp-Svrcek

A resolution urging the United States Congress to enact legislation that establishes a long-term food and fiber policy with price, production, and conservation goals that strengthen family farm agriculture.

Committee Hearings: House Agriculture; Senate Agriculture

Second Reading Votes: House 76-22; Senate 50-0

Third Reading Votes: House 80-18; Senate 49-0

Senate amended, House concurred 96-1.

### SB 208 Towe

Provides loan guaranty authority to the Agricultural Loan Authority and creates an Agricultural Loan Guaranty Fund.

Amending: 80-12-103

Committee Hearings: Senate Business and Labor  
House Business and Labor

Second Reading Votes: Senate 37-8; House 90-2

Third Reading Votes: Senate 40-10; House 96-4

### SB 438 Towe

Revises the qualification requirements of applicants for loans from the Montana Agriculture Loan Authority and reduces the bonding

authority for beginning farmer loans. Also clarifies the approval process for tax deductions to sellers of agricultural land.

Amending: 80-12-203, 80-12-204, 80-12-211, 80-12-301

Committee Hearings: Senate Business and Industry  
House Business and Industry

Second Reading Votes: House 48-0; Senate 90-4

Third Reading Votes: House 50-0; Senate 95-5

House amended, Senate concurred 45-0.

## Killed

HB 682 Rapp-Svrcek

Creates the "Montana Farm Preservation Act" to preserve competition in the agricultural industry and to provide for the continuance of the family farm. Restricts ownership of agricultural land by corporations.

Amending: 35-1-107, 35-1-108, and 35-12-509

Committee Hearings: House Agriculture

Died in House 40-60.

## Forest Lands

### Passed

HB 3 Marks

Allows an increase of up to \$14 in the charge to classified forest landowners for fire protection, and limits the assessments to no more than one-third of the total appropriated by the legislature for forest fire protection.

Amending: 76-13-201 and 76-13-207

Committee Hearings: House State Administration  
Senate Finance and Claims

Second Reading Votes: House 89-9; Senate 50-0

Third Reading Votes: House 86-7; Senate 49-1

Senate amended, House not concurred.

Conference Committee: House 94-4; Senate 49-0.



HB 702 Harbin

Transfers various forestry functions from the Department and Board of Natural Resources and Conservation to the Department of State Lands.

Amending: 77-1-304, 77-2-213, 77-2-214 and 77-5-104

Committee Hearings: House State Administration  
Senate Natural Resources

Second Reading Votes: House 96-0; Senate: 48-0

Third Reading Votes: House 97-0; Senate: 49-0

SB 166 McCallum

Eliminates the 10-day post-hearing deadline for Board of Land Commissioner's decisions on proposals for exchange of timbered state land.

Amending: 77-2-216

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 46-0; House 94-1

Third Reading Votes: Senate 46-0; House 96-1

SJR 12 Severson

A resolution to send delegates to the Western States Legislative Forestry Task Force.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 44-3; House 91-8

Third Reading Votes: Senate 40-8; House 89-9

**Killed**

HB 219 Connelly

Requires the Montana Cooperative Extension Service to provide technical and practical forest resource education and information to interested persons. Would appropriate \$119,323 over the next two years for this purpose.

Committee Hearings: House Appropriations, Education Subcommittee  
Adverse committee report. Died in House 11-87.

SB 127 Hims1

Establishes a formula for allocating part of the Forest Reserve money to cities and towns for local road purposes.

Amending: 17-3-211 and 17-3-213

Committee Hearings: Senate Local Government

Adverse committee report. Died in Senate 11-38.

# Parks and Recreation

See also HB 2 p. 43

## Passed

HB 496 Darko

Authorizes the creation of county park districts for the operation of county or donated park and recreation lands, and provides for their administration and funding.

Committee Hearings: House Local Government; Senate Local Government  
Second Reading Votes: House 69-29; Senate 48-1  
Third Reading Votes: House 72-28; Senate 49-0

SB 77 Jacobson

Changes to July 1 the deadline for submitting a proposal for acquisition of park property purchased with the income from the Coal Tax Parks and Cultural Trust Fund.

Amending: 23-1-108

Committee Hearings: Senate Fish and Game; House Appropriations  
Second Reading Votes: Senate 42-0; House 98-0  
Third Reading Votes: Senate 48-0; House 92-0

# Planning

## Passed

HB 436 Lory

Requires membership of one conservation district board member on each city-county planning board in the state unless it would be impossible.

Amending: 76-1-201

Committee Hearings: House Local Government; Senate Local Government  
Second Reading Votes: House 89-6; Senate 48-0  
Third Reading Votes: House 88-7; Senate 46-3  
Senate amended, House concurred 95-1.



SB 1 Christiaens

Specifies allowable uses of county land planning funds.

Amending: 90-1-108

Committee Hearings: Senate Local Government; House Local Government

Second Reading Votes: Senate 47-0; House 92-3

Third Reading Votes: Senate 48-0; House 94-4

## Public Lands

### Passed

HB 705 Rehberg

Directs the Board of Land Commissioners to hold a public hearing on any exchange of state trust lands. Provides for notice and approval of a proposed exchange, and for settlement for improvements. In an exchange involving private land, the property appraisal shall be made available to the public.

Amending: 77-2-203 and 77--2-204

Committee Hearings: House State Administration  
Senate Natural Resources

Second Reading Votes: House 92-2; Senate 48-0

Third Reading Votes: House 96-3; Senate 49-0

HB 786 Nathe

Generally revises laws relating to bid deposits for state surface leases. Allows forfeiture of deposits for frivolous, forged, bad faith, or harassment bids.

Amending: 77-6-203

Committee Hearings: House Natural Resources; Senate Agriculture

Second Reading Votes: House 91-0; Senate 48-1

Third Reading Votes: House 98-0; Senate 50-0

HJR 25 Swift

Requests the Montana congressional delegation develop omnibus wilderness legislation and submit it to the 99th Congress for passage. Further requests that all areas not receiving wilderness designation be made available for multiple-use management activities.

Committee Hearings: House Natural Resources  
Senate Natural Resources  
Second Reading Votes: House 80-13; Senate 49-1  
Third Reading Votes: House 85-15; Senate 48-1

HJR 32 Switzer

A resolution requesting that livestock grazing fees charged on the Charles M. Russell Wildlife Refuge be maintained at the current rate.

Committee Hearings: House Agriculture; Senate Agriculture  
Second Reading Votes: House 95-4; Senate 50-0  
Third Reading Votes: House 92-6; Senate 47-1

HJR 40 Spaeth

A resolution requesting an interim study to determine the fair market value for grazing fees on state school trust funds.

Committee Hearings: House Agriculture; Senate Agriculture  
Second Reading Votes: House 77-17; Senate 49-1  
Third Reading Votes: House 81-17; Senate 45-4

SB 26 Towe

Permits the Board of Land Commissioners to exchange state lands located within Indian reservations for lands owned by tribal governments or to sell state lands within Indian reservations to tribal governments.

Amending: 77-2-201, 77-2-306, and 77-2-307

Committee Hearings: Senate Judiciary; House Judiciary  
Second Reading Votes: Senate 44-5, House 71-28  
Third Reading Votes: Senate 34-15, House 78-22  
House amended, Senate not concurred 50-0.  
Conference Committee: Senate 49-0, House 83-9.



SB 236 Conover

Provides that a renewed state lease may be cancelled for violations by the same lessee during the prior lease term.

Amending: 77-6-205

Committee Hearings: Senate Natural Resources  
House State Administration

Second Reading Votes: Senate 47-0; House 85-0

Third Reading Votes: Senate 48-0; House 98-2

House amended, Senate not concurred.

Conference committee: Senate 50-0, House 97-2.

SB 380 Thayer

Provides for the sale of deeds for square inches of land in Montana to raise revenue for Montana statehood centennial activities. The Department of Fish, Wildlife, and Parks may designate one or more acres of land to which it has title as a centennial acre.

Committee Hearings: Senate Business and Industry  
House State Administration

Second Reading Votes: Senate 49-0; House 93-1

Third Reading Votes: Senate 48-0; House 95-4

House amended, Senate concurred 50-0.

## Killed

SB 264 Mohar

Provides a penalty for failure to obtain an easement before construction on, or disturbance of state lands.

Amending: 77-2-106

Committee Hearings: Senate Natural Resources  
Adverse committee report. Died in Senate 5-40.

SJR 28 Weeding

Requests that livestock grazing fees charged on the Charles M. Russell Wildlife Refuge be maintained at the current rate.

Committee Hearings: Senate Agriculture  
Died in committee.

# Subdivisions

## Passed

### HB 516 Keyser

Specifies that local governing bodies and the Department of Health and Environmental Sciences may apply only those rules in effect at the time a subdivision application is submitted for review.

Amending: 76-3-501 and 76-4-104

Committee Hearings: House Natural Resources; Senate Local Government

Second Reading Votes: House 92-4; Senate 50-0

Third Reading Votes: House 93-7; Senate 49-0

### HB 519 Sales

Requires payment of property taxes before a parcel of land may be divided.

Amending: 76-3-207 and 76-3-303

Committee Hearings: House Local Government; Senate Local Government

Second Reading Votes: House 94-2; Senate 50-0

Third Reading Votes: House 97-2; Senate 49-0

### HB 633 Lory

Revises the laws relating to sanitation in subdivisions by requiring deposit of subdivision fees in the state general fund and requiring that funding for subdivision review be allocated from the state general fund.

Amending: 76-4-105

Committee Hearings: House Appropriations; Senate Finance and Claims

Second Reading Votes: House 88-4; Senate 49-1

Third Reading Votes: House 89-11; Senate 47-2

Senate amended, House concurred 83-15.



HB 768 Bradley

Exempts apartments and other portions of buildings that are rented or leased from review as subdivisions. Exempts subdivisions, including condominiums, that will be served by municipal water and sewage facilities in Class 1 and Class 2 municipalities from Department of Health and Environmental Sciences review.

Amending: 76-4-102, 76-4-103, 76-4-105, 76-4-111, 76-4-122 through 76-4-124, and 76-4-127

Committee Hearings: House Natural Resources; Senate Local Government  
Second Reading Votes: House 96-0; Senate 49-0  
Third Reading Votes: House 94-6; Senate 50-0  
Senate amended, House concurred 96-0.

HB 791 Brandewie

Provides restricted review requirements for minor subdivisions and other divisions of land.

Amending: 76-3-505 and 76-3-609

Committee Hearings: House Natural Resources; Senate Local Government  
Second Reading Votes: House 57-39; Senate 39-0  
Third Reading Votes: House 65-34; Senate 50-0  
Senate amended, House concurred 84-14.

SB 354 Mazurek

Clarifies that the conveyance of one or more parts of a building is not a subdivision.

Amending: 76-3-204

Committee Hearings: Senate Local Government; House Natural Resources  
Second Reading Votes: House 47-0; Senate 94-0  
Third Reading Votes: House 48-0; Senate 100-0  
House amended, Senate concurred 45-0.

SB 415 Harding

Provides an option for local Departments or Boards of Health to review certain subdivisions and provides additional administrative and judicial remedies.

Amending: 76-4-102, 76-4-104 through 76-4-109, 76-4-121 through 76-4-127, and 76-4-130

Committee Hearings: Senate Local Government; House Natural Resources  
Second Reading Votes: Senate 48-0; House 92-3  
Third Reading Votes: Senate 50-0; House 92-8

## Killed

### HB 569 Hansen

Would allow local governments to establish and charge a fee to cover the costs of the review of a minor subdivision.

Amending: 76-4-128

Committee Hearings: House Local Government  
Died in House 43-55.

### HB 827 Lory

Revises the Montana Subdivision and Platting Act to redefine "subdivision", modify exemptions, and modify review of minor subdivisions.

Amending: 76-3-103, 76-3-104, 76-3-201, 76-3-207 and 76-3-609

Committee Hearings: House Natural Resources  
Died in House 46-53.

### HB 865 Hannah

Clarifying that the right to protest the formation of a rural special improvement district or a special improvement district may not be waived. Also provides that a local government and a land developer may agree on the provision of improvements to land being developed.

Amending: 7-12-2109 and 7-12-4110

Committee Hearings: House Local Government  
Died in committee.

## Other

See also HB 892 p. 20

## Passed

### HB 154 Pistoria

Repeals the Montana Economic Land Development Act.

Repealing: 15-24-1301 through 15-24-1318

Committee Hearings: House Local Government; Senate Taxation  
Second Reading Votes: House 93-0; Senate 50-0  
Third Reading Votes: House 99-0; Senate 46-3



HB 316 Krueger

Restructures the membership of the rangeland resources committee and authorizes the committee to consult with state and federal agencies in performing its duties.

Amending: 2-15-3305 and 76-14-106

Committee Hearings: House Natural Resources; Senate Agriculture  
Second Reading Votes: House 94-2; Senate 50-0  
Third Reading Votes: House 97-3; Senate 47-1

HB 523 Raney

Providing authority for state acquisition of abandoned railroad rights-of-way or easements therein for future transportation corridors.

Amending: 60-11-111

Committee Hearings: House State Administration  
Senate Natural Resources  
Second Reading Votes: House 63-33; Senate 34-12  
Third Reading Votes: House 70-30; Senate 34-16  
Senate amended, House concurred 90-6.

HB 594 Cobb

Requires notice of entry onto land by appropriate state and local personnel for certain floodplain and floodway management purposes, and requires release, upon request, of names of persons or political subdivisions requesting investigation of a natural or artificial obstruction or nonconforming use.

Amending: 76-5-105

Committee Hearings: House Judiciary; Senate Judiciary  
Second Reading Votes: House 95-2; Senate 49-0  
Third Reading Votes: House 100-0; Senate 49-0

HB 701 Fritz

Allows the Department of Revenue, after consultation with the revenue oversight committee, to accept in-kind payments of certain inheritance and estate taxes with objects, sites, or items of unique historical and cultural significance or with interests in real property having conservation, recreation or wildlife preservation value.

Committee Hearings: House Taxation; Senate Taxation  
Second Reading Votes: House 65-33; Senate 26-21  
Third Reading Votes: House 63-36; Senate 25-22  
Senate amended, House concurred 71-21.

HB 885 Sales

Amends and clarifies the laws relating to rural special improvement districts and special improvement districts.

Amending: 7-12-2101 through 7-12-2103, 7-12-2105, 7-12-2108, 7-12-2109, 7-12-2112, 7-12-2119, 7-12-2151 through 7-12-2153, 7-12-2158, 7-12-2159, 7-12-2167, 7-12-2169, 7-12-2171 through 7-12-2174, 7-12-4101, 7-12-4102, 7-12-4104, 7-12-4106, 7-12-4109, 7-12-4110, 7-12-4113, 7-12-4123, 7-12-4145, 7-12-4161 through 7-12-4165, 7-12-4169, 7-12-4176, 7-12-4177, 7-12-4179, 7-12-4188 through 7-12-4190, 7-12-4201 and 7-12-4203 through 7-12-4206

Committee Hearings: House Local Government; Senate Local Government  
Second Reading Votes: House 80-20; Senate 39-0  
Third Reading Votes: House 80-19; Senate 50-0  
Senate amended; House not concurred.  
Conference Committee: House 85-9, Senate 49-0.

HJR 5 Asay

Urges re-evaluation of the bank stabilization program along the Missouri, Yellowstone and Big Horn Rivers in Montana and requests Congress to develop methods of financing for a comprehensive bank stabilization program and fund its maintenance under the Pick-Sloan Program.

Committee Hearings: House Natural Resources  
Senate Natural Resources  
Second Reading Votes: House 88-1; Senate 50-0  
Third Reading Votes: House 95-2; Senate 47-0

HJR 20 Schultz

Commemorates the Soil Conservation Service for 50 years of dedicated service to the people of Montana and to the nation.

Committee Hearings: House Agriculture; Senate Natural Resources  
Second Reading Votes: House 99-0; Senate 48-0  
Third Reading Votes: House 98-0; Senate 50-0

HJR 57 Holliday

A resolution requesting an interim study of the problems facing the agriculture sector of the Montana economy.

Committee Hearings: House Agriculture; Senate Agriculture  
Second Reading Votes: House 93-3; Senate 47-0  
Third Reading Votes: House 94-5; Senate 48-0



SB 431 Fck

Revises the greenbelt appraisal definition of agricultural land for real property taxation purposes. Allows for the reduced value of agricultural improvements situated on agricultural land by classifying them separately and taxing them at 80 percent of the taxable percentage applicable to class four property.

Amending: 15-7-202

Committee Hearings: Senate Taxation; House Taxation

Second Reading Votes: Senate 35-12; House 52-47

Third Reading Votes: Senate 38-11; House 56-44

House amended; Senate not concurred.

Conference committee: Senate 39-10, House 77-23.

SJR 8 Story

A resolution urging Congress to enact legislation revising the federal condemnation procedures to afford greater consideration to the interests of the landowner.

Committee Hearings: Senate State Administration  
House State Administration

Second Reading Votes: Senate 49-0; House 95-0

Third Reading Votes: Senate 49-0; House 93-4

**Killed**

HB 509 Manuel

Appropriates \$350,000 to the Department of Administration for the purchase of property in Fort Benton to be used for a Montana Agricultural Center and Museum of the Northern Great Plains.

Committee Hearings: House Appropriations, Long Range Planning  
Subcommittee

Died in committee.

HB 663 Janet Moore

Establishes the Seely-Swan scenic highway and directs the Department of State Lands to prepare a management plan for the landscape adjoining the highway to preserve and enhance its scenic beauty.

Committee Hearings: House Highways and Transportation

Died in House 32-67.

HJR 34 Asay

A resolution urging the U.S. Congress to revise certain farm program and income tax laws that provide major economic incentives for investors to convert rangeland to cropland.

Committee Hearings: House Agriculture; Senate Agriculture  
Died in Senate committee.

SB 111 Story

Would require the federal government to comply with state  
condemnation laws.

Committee Hearings: Senate State Administration  
Died in committee.

SB 112 Story

Would clarify that the Natural Streambed and Land Preservation Act of  
1975 is applicable to certain entities of the federal government.  
Also would provide authority for conservation districts to receive  
notice of federally approved projects within their districts.

Amending: 75-7-103

Committee Hearings: Senate Natural Resources  
House Natural Resources

Died in House committee.

# MINERAL & PETROLEUM DEVELOPMENT

## Exploration, Operations, and Reclamation

### Passed

HB 6 Marks

Generally revises and clarifies laws relating to mining and to water  
rights and use without changing the intent of the laws.

Amending: 82-4-254, 85-2-123, 85-8-624 and 90-6-307

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 97-0; Senate 46-0

Third Reading Votes: House 84-0; Senate 45-0



HB 637 Iverson

Revises the procedure for enforcement of the annual fee and reporting requirements under the Hard-Rock Mining Law. Eliminates the civil penalty and authorizes suspension of the permit for violations.

Amending: 82-4-361 and 82-4-362

Committee Hearings: House Natural Resources  
Senate Natural Resources  
Second Reading Votes: House 90-1; Senate 49-0  
Third Reading Votes: House 96-2; Senate 50-0

HB 638 Iverson

Revises the law providing exemptions for small miners from the Hard-Rock Mining Law. Prohibits certain persons, business associations, partnerships, and corporations from obtaining small-miner exemptions and substitutes a civil penalty for failure to comply with the conditions of a small-miner exemption.

Amending: 82-4-303, 82-4-305 and 82-4-361  
Committee Hearings: House Natural Resources  
Senate Natural Resources  
Second Reading Votes: House 92-1; Senate 50-0  
Third Reading Votes: House 98-2; Senate 49-0

HB 698 Ream

Clarifies the information required in applications for metal mine operating permits. Provides additional standards in the reclamation plan. Specifies actions available to persons who are adversely affected by violations of metal mine reclamation provisions or who are allegedly harmed by metal mines damaging their water supply.

Amending: 82-4-335, 82-4-336 and 82-4-338

Committee Hearings: House Natural Resources  
Senate Natural Resources  
Second Reading Votes: House 94-5; Senate 49-0  
Third Reading Votes: House 96-4; Senate 50-0

SB 96 Gage

Clarifies that the laws pertaining to seismic exploration apply to exploration done by means of nonexplosives or explosives.

Amending: 82-1-101, 82-1-104, 81-1-108, and 82-11-122  
Committee Hearings: Senate Business and Industry  
House Natural Resources  
Second Reading Votes: Senate 48-0; House 94-0  
Third Reading Votes: Senate 49-0; House 99-0

SB 359 Yellowtail

Limits the mandatory civil penalty for failure to comply with an abatement or cessation order under the Strip and Underground Mine Reclamation Act.

Amending: 82-4-254

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 78-0

Third Reading Votes: Senate 49-0; House 97-0

SB 377 Gage

Provides for 100 percent recovery of equipment above ground, 300 percent recovery of other well costs, and 100 percent recovery of operating costs on oil and gas wells in pooled spacing units if an owner of an interest in the unit refuses to join the unit.

Amending: 82-11-202

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 47-0; House 62-33

Third Reading Votes: Senate 48-0; House 69-29

House amended, Senate concurred 50-0.

**Killed**

HB 158 Hanson

Changes the inspection interval for surface coal mines from three months to six months.

Amending: 50-73-406

Committee Hearings: House Natural Resources  
Died in committee.

SB 430 Towe

Mandates the creation of an advisory council to make recommendations for adoption of safety rules for the coal mining industry. Also requires the Division of Worker's Compensation to adopt certain rules regarding coal mine safety and to pursue federal funding.

Amending: 50-73-103

Committee Hearings: Senate Labor and Employment  
Adverse committee report. Died in Senate 1-35.



# Local Impact Mitigation

See also HB 947 p. 70

## Passed

HB 670 Iverson

Requires reclamation of land disturbed by hard-rock tailing, waste rock, or ore processing operations.

Amending: 82-4-303, 82-4-304, 82-4-335 through 82-4-337, 82-4-340, 82-4-351 and 90-6-302

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 92-1; Senate 50-0

Third Reading Votes: House 96-2; Senate 48-0

HB 769 Holliday

Generally revises bond release procedures under the Montana Strip and Underground Mine Reclamation Act.

Amending: 82-4-232

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 98-0; Senate 48-0

Third Reading Votes: House 99-1; Senate 47-0

HB 784 Holliday

Generally revises strip mine permit application review procedures and time frames.

Amending: 82-4-231

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 98-0; Senate 49-0

Third Reading Votes: House 99-1; Senate 49-0

HB 912 D. Brown

Revises the hard-rock mining impact laws and related statutes. Redefines "local government unit" and "large-scale mineral development." Makes specific changes to impact plan submission requirements and provides for tax prepayment credits as specified in the impact plan.

Amending: 2-15-1822, 82-4-335, 82-4-339, 90-6-302, 90-6-307, 90-6-309, and 90-6-311

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 97-0; Senate 49-0

Third Reading Votes: House 97-3; Senate 48-0

Senate amended, House concurred 96-2.

SB 156 Towe

Changes the designation criteria for Coal Board grants and loans.

Amending: 90-6-207

Committee Hearings: Senate Taxation; House Natural Resources

Second Reading Votes: Senate 48-0; House 94-1

Third Reading Votes: Senate 50-0; House 99-1

## **Killed**

HB 205 Peterson

Appropriates money to DNRC from the Renewable Resource Development Account for emergency assistance to install the Therriault Creek siphon in the Glen Lake irrigation district.

Committee Hearings: House Appropriations, Long-Range Planning  
Subcommittee

Died in committee.

HB 695 Asay

Exempts counties from submitting annual reclamation progress reports on gravel mines that were not operated during the prior reporting year.

Amending: 82-4-403 and 82-4-434

Committee Hearings: House Natural Resources  
Senate Natural Resources

Died in Senate committee.



HB 930 Mercer

Appropriates \$299,200 from the Renewable Resource Development Account to the University of Montana for acquisition of equipment and hiring of scientific and administrative personnel for the University of Montana Biological Station at Yellow Bay on Flathead Lake.

Committee Hearings: House Appropriations, Long Range Planning Subcommittee

Died in committee.

HJR 46 Bardanouve

Requesting an interim study to examine the consolidation of all programs to assist communities experiencing impacts related to non-renewable resource development.

Committee Hearings: House Natural Resources

Died in House 38-60.

SB 4 Gage

Establishes an Impact of Decline Account to receive unexpended Coal Board appropriations and authorizes the Coal Board to designate local government units for impact and impact of decline grants and to award these grants and loans. Also reduces from 50 percent to 25 percent the grants to designated areas.

Amending: 17-7-304, 90-6-202, 90-6-205, 90-6-207, 90-6-208, and 90-6-211

Committee Hearings: Senate Taxation

Died in committee.

SB 285 Towe

Establishes a method of determining coal development impact costs incurred by local government units. Authorizes appropriation for such costs from the constitutional trust income earnings.

Committee Hearings: Senate Local Government

Adverse committee report. Died in Senate 2-45.

# Taxation and Royalties

## Coal Severance

### Passed

HB 2 Sands

Authorizes the use of coal severance tax proceeds for development, operation, and maintenance of all state parks, recreational areas, monuments or historical sites for four years beginning July 1, 1985.

Amending: 15-35-108

Committee Hearings: House Fish and Game; Senate Taxation

Second Reading Votes: House 67-29; Senate 48-0

Third Reading Votes: House 80-17; Senate 49-0

HB 478 Schye

Revises the penalty and interest provisions for failing, neglecting or refusing to file oil and gas severance tax reports.

Amending: 15-36-105 and 15-36-107

Committee Hearings: House Taxation; Senate Taxation

Second Reading Votes: House 94-0; Senate 47-0

Third Reading Votes: House 96-0; Senate 47-1

HB 607 Quilici

Allows a production incentive tax credit on the coal severance tax for incremental production of coal meeting certain requirements. Limits the period during which production may qualify for the credit.

Amending: 15-35-102 and 15-35-103

Committee Hearings: House Taxation; Senate Taxation

Second Reading Votes: House 65-35; Senate 33-15

Third Reading Votes: House 63-37; Senate 37-13



HB 919 Bardanouve

Reallocates a portion of coal severance tax revenues to the state general fund, alternative energy program, and the highway program.

Amending: 15-35-108 and 90-6-205

Committee Hearings: House Appropriations; Senate Finance and Claims

Second Reading Votes: House 69-28; Senate 32-16

Third Reading Votes: House 68-30; Senate 31-17

SB 41 Towe

Clarifies the distribution of income and earnings from coal severance tax funds by providing that a portion of those funds be included in the In-State Investment Fund.

Amending: 17-6-305 and 17-6-306

Committee Hearings: Senate Taxation; House Taxation

Second Reading Votes: Senate 48-0; House 83-6

Third Reading Votes: Senate 49-0; House 87-10

House amended, Senate concurred 50-0.

SB 284 Towe

Revises provisions for repayment of Coal Board loans.

Amending: 90-6-209

Committee Hearings: Senate Taxation; House Natural Resources

Second Reading Votes: Senate 48-0; House 96-0

Third Reading Votes: Senate 50-0; House 99-1

## **Killed**

HB 19 Quilici

Would change the dates on which a percentage of the coal severance tax is allocated to the highway reconstruction trust fund account:

- . six percent starting July 1, 1985 and ending June 30, 1986 (changed from 1986 and 1987);
- . 12 percent starting July 1, 1986 and ending June 30, 1993 (changed from starting in 1987).

Amending: 15-35-108 and 60-3-216

Committee Hearings: House Highways and Transportation  
Died in committee.

HB 71 Sands

Allocates 4½ percent of coal severance taxes to a fund for post secondary vocational technical centers and adult basic education programs rather than to the Alternative Energy, Research, Development and Demonstration Account.

Amending: 15-35-108 and 20-9-513

Committee Hearings: House Education and Cultural Resources  
Died in 39-59.

HB 199 Ramirez

Appropriates money from the coal severance tax trust fund for the construction of university system buildings.

Committee Hearings: House Appropriations, Long-Range Planning  
Subcommittee  
Died in committee.

HB 368 Pistoria

Submit to the qualified electors of Montana a constitutional amendment dedicating at least five percent of the coal severance tax to a local government account for distribution to Montana's local governments. After June 30, 1987, at least 45 percent, rather than 50 percent, of the severance tax would be dedicated to the Permanent Coal Tax Trust Fund.

Committee Hearings: House Taxation  
Adverse committee report. Died in House 45-52.

HB 369 Pistoria

Would implement the constitutional amendments in HB 368 (which failed), which reduce the portion of the coal severance tax allocated to the Permanent Coal Tax Trust Fund to 45 percent and dedicate five percent to local governments.

Amending: 15-35-108

Committee Hearings: House Taxation  
Adverse committee report. Died in House 91-9.

HB 493 Ramirez

Creates the Montana Infrastructure Trust Fund to be used for the construction, preservation, and maintenance of public buildings and



facilities, for the construction and reconstruction of highways, and for local government infrastructure needs. The fund consists of 25 percent of the severance tax on coal collected after July 1, 1987.

Amending: 15-35-108

Committee Hearings: House Natural Resources; Senate Taxation  
Died in Senate committee.

HB 494 Ramirez

Requires at least 25 percent of the coal severance tax revenue, and interest therefrom, be used for capital improvements, public buildings, highways, and local government infrastructure or other infrastructure needs. Reduces from 50 percent to 25 percent the amount of coal severance tax revenue allocated to the coal severance tax trust fund.

Committee Hearings: House Natural Resources; Senate Taxation  
Died in Senate committee.

HB 495 Ramirez

Creates the Infrastructure Bond Act of 1985. Provides for funding from the Montana Infrastructure Trust Fund and provides for the use of bonds for infrastructure projects.

Committee Hearings: House Natural Resources; Senate Taxation  
Died in Senate committee.

HB 525 Asay

Transfers \$2,000,000 in each fiscal year 1986, 1987, and 1988 from the Coal Board to the Department of Highways, and appropriates \$6,000,000 for reconstruction of secondary Highway 384 in Treasure County.

Amending: 90-6-205

Committee Hearings: House Appropriations  
Died in committee.

HB 628 Koehnke

Revises the Coal Severance Tax Local Impact Grant and Loan Programs to assist local governments which are adversely affected by disaster or economic depression (a permanent layoff of 50 or more full-time employees from a single employer within any 12-month period.)

Amending: 90-6-201, 90-6-203, and 90-6-205 through 90-6-208

Committee Hearings: House State Administration  
Adverse committee report. Died in House 12-87.

HB 669 Bradley

Establishes an excellence in education program with funding from the coal severance tax.

Committee Hearings: House Appropriations  
Died in committee.

HB 847 Jack Moore

Establishes a limit of 17.5 percent of value on the severance tax on coal produced under contracts entered into after June 30, 1985 and appropriates tax pursuant to such contracts for infrastructure needs.

Amending: 15-35-103 and 15-35-108

Committee Hearings: House Taxation  
Died in committee.

HB 914 Hansen

Establishes a sustainable Local Economic Development Account, with funds from the coal severance tax, to be used for assisting localities or regions of the state in developing and implementing long-term economic development strategies.

Amending: 15-35-108

Committee Hearings: House Local Government and House Appropriations  
Died in House Appropriations committee.

HB 940 Marks

Would appropriate \$20,000,000 from the principal of the Coal Severance Tax Trust Fund to the Long-Range Building Program's debt service account.

Committee Hearings: House Appropriations  
Died in House committee.

SB 21 Towe

Would establish a Research and Development Account to which portions of the coal severance tax would be allocated after July 1, 1987.

Amending: 15-35-108

Committee Hearings: Senate Taxation  
Died in committee.



SB 270 Haffey

Would deposit nine percent of the coal severance tax into a newly created local rail service assistance account between July 1, 1985 and June 30, 1987, to a maximum of \$15 million. Would authorize the Department of Commerce to expend money from the account.

Amending: 15-35-108

Committee Hearings: Senate Finance and Claims  
Died in Senate 10-36.

SB 425 Neuman

Would establish an Agricultural Loan Authority Investment Fund to make investments in Montana agriculture. The fund would be created with 25 percent of the revenue deposited in the permanent coal tax trust fund after June 30, 1985.

Amending: 17-6-201, 17-6-307 and 80-12-103

Committee Hearings: Senate Business and Industry  
Died in Senate 33-17 (needed 3/4 vote to pass).

## Net and Gross Proceeds Taxes

### Passed

HB 652 Switzer

Allows the deduction of certain costs from the net proceeds tax on mines applicable to nonmetallic mines and mining claims.

Amending: 15-23-502 and 15-23-503

Committee Hearings: House Taxation; Senate Taxation  
Second Reading Votes: House 80-12; Senate 48-0  
Third Reading Votes: House 80-10; Senate 50-0  
Senate amended, House concurred 86-9.

SB 390 Mazurek

Defines "new production" of petroleum, oil, and natural gas and provides for a uniform rate of taxation on new production.

Amending: 7-1-2111, 7-7-2101, 7-7-2203, 7-14-2524, 7-14-2525, 7-16-2327, 15-16-102, 15-23-601 through 15-23-603, 15-23-605, 15-23-607, 20-9-141, 20-9-331, 20-9-333, 20-9-352, 20-9-501, and 20-10-144.

Committee Hearings: Senate Taxation; House Taxation

Second Reading Votes: Senate 42-4; House 80-20

Third Reading Votes: Senate 49-1; House 81-16

House amended, Senate not concurred.

Conference committee: Senate 42-0; House 84-14.

SB 462 Gage

Revises allowable deductions in determining oil and gas net proceeds for property tax purposes and establishes starting points for the amortization of drilling costs and certain capital expenditures.

Amending: 15-23-603 and 15-23-604

Committee Hearings: Senate Taxation; House Taxation

Second Reading Votes: Senate 49-1; House 61-34

Third Reading Votes: Senate 50-0; House 71-23

House amended, Senate concurred 48-0.

## **Killed**

HB 679 D. Brown

Includes new oil production in the definition of "new or expanding industry" for purposes of allowing a local government to approve a lower assessment in order to compute net proceeds tax.

Amending: 15-24-1401 and 15-24-1402

Committee Hearings: House Taxation

Died in committee.

SB 280 Williams

Subjects the gross proceeds of gemstone mines to taxation and sets the taxable percentage rate at 45 percent of gross proceeds.

Amending: 15-6-131, 15-6-132, 15-6-208, 15-23-101, 15-23-103, 15-23-104, 15-23-106, 15-23-115, and 15-23-502

Committee Hearings: Senate Taxation; House Taxation

Died in House committee.



# Oil and Gas Severance Taxes

## Passed

HB 636 Abrams

Reduces, from 5 percent to 2.5 percent, the tax rate on petroleum produced by tertiary recovery methods and requires amortization of the costs of necessary chemical supplies used in approved tertiary recovery projects over 10 years.

Amending: 15-23-603 and 15-36-101

Committee Hearings: House Taxation; Senate Taxation

Second Reading Votes: House 87-10; Senate 41-5

Third Reading Votes: House 85-13; Senate 45-5

Senate amended, House concurred 80-13

Governor amended: House concurred 96-3; Senate concurred 49-0.

## Killed

HB 787 Hayne

Reducing from five percent to four percent the severance tax on oil produced from a well producing 10 barrels or less per day.

Amending: 15-36-101 and 15-26-105

Committee Hearings: House Taxation

Died in House 39-59.

HB 926 Bradley

Would create a Montana Infrastructure Trust Fund from a portion of withholding taxes and oil and gas severance taxes.

Amending: 15-1-501, 15-30-204, 15-35-102, 15-35-104, 15-35-105, 15-35-108, 15-306-102, 15-36-105, 15-36-107, and 15-36-112

Committee Hearings: House Taxation

Adverse committee report. Died in House 40-58.

SB 443 Regan

Would delay until April 1, 1987, the reduction in oil and gas severance tax rate from six percent to five percent scheduled to go into effect by March 31, 1985.

Amending: 15-36-101

Committee Hearings: Senate Taxation  
Died in committee.

## Resource Indemnity Trust Tax

See also HB 942 p. 63

### Passed

HB 922 Harper

Appropriates money to the Department of Natural Resources and Conservation for grants for designated projects and prioritizes grants and amounts. Also establishes conditions for grants.

Committee Hearings: House Appropriations, Long-Range Planning  
Subcommittee; Senate Finance and Claims

Second Reading Votes: House 88-9; Senate 49-0

Third Reading Votes: House 90-7; Senate 48-0

Senate amended, House concurred 82-11.

### Killed

HB 690 Bardanouve

Would make the determination of the value of minerals pursuant to the Resource Indemnity Trust Tax consistent with the same determination for certain other natural resources taxes.

Amending: 15-38-103 and 15-38-104

Committee Hearings: House Taxation  
Died in committee.



HB 913 Brown

Would establish the Montana Mineral Legacy Program. Consolidates water development, renewable resource development, mineral reclamation and research, and hazardous waste management programs under the Montana Mineral Legacy Program. Also establishes the Montana Mineral Legacy Account to be funded through proceeds from the coal severance tax and the resource indemnity trust tax. Establishes an environmental contingency account within the office of the governor.

Amending: 15-35-108, 15-38-202, 76-14-112, 85-1-601, 85-1-603 through 85-1-606, 85-1-608, 85-1-621, 90-2-101 through 90-2-103, 90-2-113 and 90-2-124

Repealing: 85-1-611, 85-1-612, 85-1-622, 90-2-104, 90-2-107 through 90-2-112, 90-2-121 through 90-2-123 and 90-2-126 through 90-2-128

Committee Hearings: House Natural Resources  
Senate Natural Resources

Died in Senate 17-33.

SB 277 Blaylock

Would establish the Montana Legacy Program.

Amending: 15-35-108, 76-14-112 and 85-1-603

Repealing: 90-2-101 through 90-2-104, 90-2-107 through 90-2-113, and 90-2-121 through 90-2-128

Committee Hearings: Senate Natural Resources  
House Natural Resources

Died in House committee.

## Other Taxation and Royalties

### Passed

HB 524 Addy

Allows the Commissioner of State Lands to limit overriding royalties and payments out of production from state oil and gas leases.

Committee Hearings: House State Administration  
Senate Natural Resources

Second Reading Votes: House 89-0; Senate 45-0

Third Reading Votes: House 97-1; Senate 47-0

## Killed

HB 312 Devlin

Reallocates gas, oil and mineral royalty payments from the Department of Highways to local governments.

Committee Hearings: House Natural Resources  
Died in committee.

## Other

See also HJR 35 p. 8 and SB 410 p. 13

## Passed

HB 840 Hanson

Provides that an oil, gas, or other mineral lessee must remove from county records any lease that is canceled or expired and providing a criminal penalty for failing to do so.

Amending: 45-2-311 and 82-1-201

Committee Hearings: House Business and Labor; Senate Judiciary  
Second Reading Votes: House 93-0; Senate 24-14  
Third Reading Votes: House 98-0; Senate 40-10

SB 55 Towe

Limits the time within which an action may be commenced to determine the validity of a royalty interest of a county in land acquired by tax deed.

Amending: 15-17-312 and 27-2-210

Committee Hearings: Senate Judiciary; House Taxation  
Second Reading Votes: Senate 49-0; House 95-5  
Third Reading Votes: Senate 48-1; House 90-8

SB 258 Tveit

Revises the law relating to compensation payable for surface damage by oil and gas development. Provides double damages for failure to make stipulated damage payments. Requires an oil and gas developer



or operator to notify the surface owner of specific intentions before commencing drilling operations.

Amending: 82-10-503, 82-10-504, and 82-11-122

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 47-1; House 96-0

Third Reading Votes: Senate 49-1; House 98-1

House amended, Senate concurred 44-1.

### SB 303 R. Manning

Clarifies the authority of the Public Service Commission to assess fines for violations of the federal Natural Gas Pipeline Safety Act.

Amending: 69-3-207

Committee Hearings: Senate Business and Industry  
House Business and Labor

Second Reading Votes: Senate 24-22; House 87-5

Third Reading Votes: Senate 41-9; House 93-6

### SB 379 Weeding

Allows the Coal Board to make grants for certain highway construction, repair, and maintenance.

Amending: 90-6-205, 90-6-207, and 90-6-209

Committee Hearings: Senate Taxation; House Appropriations

Second Reading Votes: Senate 47-0; House 97-1

Third Reading Votes: Senate 48-0; House 95-1

## **Killed**

### HJR 13 Winslow

Requesting Burlington Northern railroad to refrain from raising freight rates for moving coal out of Montana until after July 1, 1991. After July 1, 1991, BN is asked to exercise restraint in raising freight rates for coal to help encourage continued growth of the Montana coal industry.

Committee Hearings: House Business and Labor  
Senate Business and Industry

Died in Senate committee.

HB 434 Schye

Creating a Dormant Minerals Interests Act, similar to that of Indiana, which allows for termination of certain severed mineral interests and reversion of ownership to the surface owner unless a statement of claim is recorded within two years of the effective date of this act. The owner of a lapsed severed mineral interest may redeem that interest by recording a statement of claim within one year.

Committee Hearings: House Natural Resources  
Died in House 46-54.

HB 773 Schye

Imposes a penalty on oil producers for failure to appropriately measure and record the amount of oil produced.

Amending: 45-2-311 and 82-11-111

Committee Hearings: House Business and Labor  
Died in House 15-83.

HJR 39 Menahan

A resolution urging the Burlington Northern Railroad to reduce its freight rates for the transport of Montana coal.

Committee Hearings: House Business and Labor  
Senate Business and Industry  
Died in Senate committee.

SB 395 Hirsch

Provides for the filing and recording of severed mineral interests, and for surface owner acquisition of unclaimed severed mineral interests.

Amending: 70-19-411 and 70-28-109

Committee Hearings: Senate Taxation  
Died in committee.



# PEST AND WEED CONTROL

## Toxicants

### Passed

HB 148 Manuel

Revises the requalification training requirements for farm applicators under the Montana Pesticides Act.

Amending: 80-8-209

Committee Hearings: House Agriculture; Senate Agriculture

Second Reading Votes: House 94-2; Senate 50-0

Third Reading Votes: House 82-5; Senate 50-0

SB 378 Lane

Clarifies that fees collected for pesticide education programs must be expended for such purposes.

Amending: 80-8-109

Committee Hearings: Senate Agriculture; House Agriculture

Second Reading Votes: Senate 47-0; House 74-0

Third Reading Votes: Senate 48-0; House 98-0

# Other

See also HB 789 p. 20

## Passed

### HB 297 Compton

Removes the requirement that the Alfalfa Leaf-Cutting Bee Laboratory be located at Montana State University.

Amending: 80-6-1106

Committee Hearings: House State Administration; Senate Agriculture

Second Reading Votes: House 89-5; Senate 45-0

Third Reading Votes: House 95-4; Senate 48-1

### HB 506 Harper

Establishes a noxious weed management trust fund and a noxious weed management advisory council. Provides funding for noxious weed management programs.

Committee Hearings: House Agriculture; Senate Agriculture

Second Reading Votes: House 93-0; Senate 50-0

Third Reading Votes: House 98-0; Senate 49-1

Senate amended, House concurred 97-1.

### HB 716 Thoft

Generally revises county weed control laws.

Amending: 7-3-4453, 7-14-2131, 7-14-2132, 7-22-2101 through 7-22-2105, 7-22-2107, 7-22-2108, 7-22-2121, 7-22-2123, 7-22-2124, 7-22-2126, 7-22-2141 through 7-22-2146, 7-22-2148, 7-22-2150, 7-22-2215, 7-22-4101, and 77-6-114

Repealing: 7-22-2122, 7-22-2125, 7-22-2127 and 7-22-2147

Committee Hearings: House Agriculture; Senate Agriculture

Second Reading Votes: House 95-1; Senate 48-0

Third Reading Votes: House 100-0; Senate 49-0

Senate amended, House concurred 90-7.



## Killed

### HB 486 Thomas

Adds spotted knapweed, diffuse knapweed, and dalmation toadflax to the definition of "noxious weed."

Committee Hearings: House Agriculture; Senate Agriculture  
Died in Senate committee.

### HB 512 Cobb

To allow weed control supervisors to authorize landowners to control weeds along highway rights-of-way and to receive financial assistance for the costs of control.

Amending: 7-14-2132, 7-22-2121, 7-22-2144 and 7-22-2146

Committee Hearings: House Agriculture  
Died in committee.

### HB 659 Harper

Generally revises the laws relating to county weed control.

Amending: 7-3-4453, 7-14-2131, 7-14-2132, 7-22-2215, 7-22-4101,  
70-30-314, 77-6-113, 77-6-114, 77-6-303 and 80-5-101

Repealing: 7-22-2101 through 7-22-2108, 7-22-2121 through 7-22-2127  
and 7-22-2141 through 7-22-2150

Committee Hearings: House Agriculture  
Died in committee.

### HB 876 Abrams

Appropriating \$1,376,000 to be allocated to county noxious weed funds in direct proportion to the acreage of state-owned land within each county.

Committee Hearings: House Appropriations  
Died in committee.

# PUBLIC & OCCUPATIONAL HEALTH

See also SB 430 p. 39 and SB 452 p. 63

## Passed

HB 183 Ellerd

Requires that a nonsmoking area be designated in each enclosed work area maintained by the state or a political subdivision thereof.

Amending: 50-40-104

Committee Hearings: House Human Services  
Senate Business and Industry

Second Reading Votes: House 53-47; Senate 31-16

Third Reading Votes: House 52-48; Senate 33-17

Senate amended, House concurred 66-28.

HB 646 Rapp-Svrcek

Defines "organic food" and requires accurate labeling of organic food. Remedies are provided for violations.

Amending: 50-31-103 and 50-31-203

Committee Hearings: House Human Services  
Senate Public Health, Welfare, and Safety

Second Reading Votes: House 85-9; Senate 48-0

Third Reading Votes: House 88-10; Senate 46-3

Senate amended, House concurred 94-3.



SB 201 Boylan

Generally revises the law relating to commercial fertilizer and requires labeling of storage bins.

Amending: 2-15-1516, 80-10-101, 80-10-103, 80-10-201, 80-10-204, and 80-10-207

Committee Hearings: Senate Agriculture; House Agriculture

Second Reading Votes: Senate 50-0; House 95-0

Third Reading Votes: Senate 50-0; House 98-0

SB 345 Neuman

Creates the "Anhydrous Ammonia Facilities Safety Act" to regulate anhydrous ammonia facilities.

Amending: 80-10-207 and 80-10-303

Committee Hearings: Senate Agriculture; House Business and Labor

Second Reading Votes: Senate 49-0; House 92-2

Third Reading Votes: Senate 49-0; House 97-1

House amended, Senate concurred 49-0.

## **Killed**

SB 344 Neuman

Defines anhydrous ammonia nurse tanks and exempts such tanks from special mobile equipment fees and gross vehicle weight fees.

Amending: 61-3-431 and 61-10-214

Committee Hearings: Senate Highways and Transportation

House Highways and Transportation

Adverse House committee report. Died in House 12-82.

# WASTE CONTROL

## Hazardous

See also HB 697 p. 12

### Passed

HB 178 Ream

Allows the Department of Health and Environmental Sciences to assess fees to defray part of the cost of establishing, maintaining, and operating a state hazardous waste management facility.

Amending: 75-10-405 and 75-10-412

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 91-2; Senate 47-1

Third Reading Votes: House 87-0; Senate 49-1

HB 180 Ream

Clarifies that the Department of Health and Environmental Sciences has the authority to seek injunctive relief compelling affirmative compliance with the Montana Hazardous Waste Act, or an order, permit, or rule issued under the act.

Amending: 75-10-414

Committee Hearings: House Natural Resources  
Senate Public Health, Safety, and Welfare

Second Reading Votes: House 89-3; Senate 48-0

Third Reading Votes: House 95-1; Senate 44-6



HB 181 Ream

Allows collection of civil and criminal penalties for violations of the Montana Hazardous Waste Act, or of a rule, order, or permit issued pursuant to the act.

Amending: 75-10-417

Committee Hearings: House Judiciary; Senate Judiciary

Second Reading Votes: House 75-9; Senate 45-0

Third Reading Votes: House 92-6; Senate 45-2

HB 189 Ream

Allows the Department of Health and Environmental Sciences to adopt rules requiring hazardous waste transporters to register within Montana, and requiring hazardous waste generators and facilities to file annual reports.

Amending: 75-10-405

Committee Hearings: House Business and Labor

Senate Public Health, Welfare, and Safety

Second Reading Votes: House 78-10; Senate 36-10

Third Reading Votes: House 92-7; Senate 43-7

HB 676 Donaldson

Amends the Montana Hazardous Waste Act to allow the Department of Health and Environmental Sciences to adopt rules setting requirements for underground storage tanks containing petroleum or other hazardous substances and requires tank owners or operators to report leaks.

Amending: 75-10-403, 75-10-405, 75-10-409 and 75-10-532

Committee Hearings: House Natural Resources

Senate Finance and Claims

Second Reading Votes: House 78-21; Senate 32-16

Third Reading Votes: House 79-20; Senate 35-15

Senate amended, House concurred 86-6.

HB 766 Ream

Authorizes the Department of Health and Environmental Sciences to take remedial action to prevent or alleviate release of hazardous or deleterious substances into the environment and establishes a special fund for remedial action. Provides for funding and appropriation of the special fund.

Committee Hearings: House Natural Resources

Senate Finance and Claims

Second Reading Votes: House 95-1; Senate 34-12

Third Reading Votes: House 99-1; Senate 42-8

Senate amended, House concurred 86-6.

Governor amended: House concurred 95-2; Senate concurred 46-3.

HB 942 Winslow

Requires biennial appropriations from the Resource Indemnity Trust Fund to implement certain hazardous waste laws.

Amending: 15-38-202

Committee Hearings: House Appropriations; Senate Finance and Claims  
Second Reading Votes: House 96-0, Senate 48-1  
Third Reading Votes: House 98-2, Senate 47-2  
Senate amended, House concurred 96-2.

SB 452 Eck

Creates the "Employee and Community Hazardous Chemical Information Act." Requires employers to provide employees with information concerning hazardous chemicals in the workplace, and specifies rights of employees. Also requires County Clerk and Recorders to maintain and provide public access to this information. Provides for inspections by local fire chiefs and for trade secret confidentiality in certain circumstances.

Committee Hearings: Senate Labor and Employment Relations  
House Business and Labor  
Second Reading Votes: Senate 49-0; House 88-8  
Third Reading Votes: Senate 50-0; House 86-10  
Conference Committee: House amended, Senate concurred 44-5.

**Killed**

HB 179 Ream

Would protect the confidentiality of trade secrets released to the Department and Board of Health and Environmental Sciences under the Montana Hazardous Waste Act. Would allow the release of trade secrets by the Department or Board in special circumstances.

Amending: 75-10-403

Committee Hearings: House Natural Resources  
Died in committee.



# Junk Vehicles

## Passed

HB 491 Zabrocki

Generally revises the requirements for reporting junk vehicle records to the Division of Motor Vehicles.

Committee Hearings: House Highways and Transportation  
Senate Highways and Transportation

Second Reading Votes: House 91-1; Senate 49-0

Third Reading Votes: House 99-1; Senate 48-0

# Solid Waste

See also HB 936 p. 6

## Killed

HB 465 Hansen

Would have required owners and operators of solid waste management systems to submit information on the location and contents of solid waste disposal sites to counties as part of their permanent land records.

Amending: 75-10-204

Committee Hearings: House Local Government  
Senate Public Health, Welfare, and Safety  
Adverse committee report. Died in Senate 8-38.

# Other

## Passed

HB 186 Pistoria

Allows passage of county ordinances to control community decay caused by the accumulation of rubble.

Committee Hearings: House Judiciary  
Senate Public Health, Welfare, and Safety

Second Reading Votes: House 52-44; Senate 47-0

Third Reading Votes: House 53-44; Senate 44-3

Senate amended, House concurred 93-4.

## Killed

HB 832 Kadas

Authorizes county commissioners to establish a revolving fund for the purpose of loaning money to property owners for repairing or replacing septic systems.

Committee Hearings: House Local Government  
Died in committee.

HB 899 Kadas

Establishes a recycling education and promotion program to help reduce the proliferation and accumulation of litter, conserve natural resources, and promote a cleaner environment. Creates a resource recycling fund through a tax on certain recyclable material and sets up an advisory council to make recommendations concerning the program.

Amending: 75-10-301

Committee Hearings: House Natural Resources  
Died in House 25-71.



# WATER

## Apportionment/Adjudication

### Passed

HB 396 Spaeth

Clarifies and establishes criteria for the Department of Natural Resources and Conservation to reject an application for a beneficial water use permit that is not in good faith or does not show a bona fide intent to appropriate water.

Amending: 85-2-310

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 95-0; Senate 50-0

Third Reading Votes: House 99-0; Senate 49-0

HB 846 Schye

Provides that issuance of a temporary preliminary decree in the Milk River Basin be given the highest priority in the Montana Water Courts adjudication process.

Amending: 85-2-231 and 85-2-321

Committee Hearings: House Natural Resources; Senate Judiciary

Second Reading Votes: House 67-31; Senate 50-0

Third Reading Votes: House 68-30; Senate 50-0

HB 859 Ramirez

In certain cases allows the transfer of responsibility for the conduct of hearings for water appropriation permits from the Department of Natural Resources to a District Court.

Amending: 8-7-101, 3-7-223, 3-7-224, 3-7-501, 3-7-502 and 85-2-309

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 92-1; Senate 50-0

Third Reading Votes: House 99-0; Senate 49-0

Senate amended, House concurred 95-0.

SB 28 Eck

Provides for a two-year extension of the existence of the Reserved Water Rights Compact Commission and defines various legal limitations concerning compacts.

Amending: 85-2-217, 85-2-224, 85-2-231, 85-2-233, 85-2-234,  
85-2-702, and 85-2-704

Committee Hearings: Senate Judiciary; House Judiciary

Second Reading Votes: Senate 49-0; House 95-0

Third Reading Votes: Senate 48-0; House 97-2

House amended, Senate concurred 49-0.

Governor amended: Senate concurred 50-0, House concurred 89-4.

SB 326 Himsl

Provides that groundwater may be appropriated only by a person who is, or has the consent of, the exclusive owner of the groundwater development works.

Amending: 85-2-306

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 93-0

Third Reading Votes: Senate 49-0; House 99-0

House amended, Senate concurred 50-0.

SB 467 Galt

Ratifies the compact entered into by the state of Montana and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation.

Committee Hearings: Senate Agriculture; House Agriculture

Second Reading Votes: Senate 48-0; House 77-18

Third Reading Votes: Senate 49-0; House 89-9



SJR 16 Yellowtail

A resolution urging the governments of Montana and Wyoming to resolve their differences on the Powder River through negotiation of a basin management plan.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 91-0

Third Reading Votes: Senate 49-0; House 99-0

SJR 41 Mazurek

A resolution urging Congress to adopt legislation authorizing the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation to enter water agreements for the delivery, use, or transfer of water within or outside the reservation.

Committee Hearings: Senate Agriculture; House Agriculture

Second Reading Votes: Senate 48-0; House 89-3

Third Reading Votes: Senate 49-0; House 93-4

**Killed**

SB 69 Galt

Requires the Montana Reserved Water Rights Compact Commission to submit progress reports to the chief water judge. Extends the deadline to negotiate compacts with Indian tribes and federal agencies, and continues the suspension of water courts adjudication of claims for water by Indian tribes and federal agencies negotiating with the Compact Commission.

Amending: 85-2-217, 85-2-702 and 85-2-704.

Committee Hearings: Senate Judiciary  
Died in committee.

SB 299 Story

Generally revises the Montana water use laws to transfer the authority to determine water rights and priorities from the Department of Natural Resources and Conservation to the district courts.

Amending: 85-1-101, 85-2-102, 85-2-112, 85-2-113, 85-2-123, 85-2-124  
85-2-301 through 85-2-303, 85-2-306, 85-2-316 through  
85-2-319, 85-2-401 through 85-2-403, 85-2-508, 85-2-509,  
85-2-511, and 85-2-512

Committee Hearings: Senate Judiciary  
Died in committee.

SB 439 Galt

Provides for a statement of claim for federal reserved water rights claims as an alternative to the statement of claim for water rights arising under state law.

Amending: 85-2-224

Committee Hearings: Senate Judiciary  
Died in committee.

## Development

### Passed

HB 739 Iverson

Transfers the administration of the Board of Water Well Contractors from the Department of Commerce to the Department of Natural Resources and Conservation. Redefines "water well contractor" and defines "water well driller." Prescribes additional duties and powers of the board. Requires a license for water well drillers and the adoption of water well construction standards.

Amending: 37-43-102, 37-43-202, and 37-43-302 through 37-43-306  
Repealing: 37-43-103

Committee Hearings: House Appropriations  
Senate State Administration

Second Reading Votes: House 92-0; Senate 26-16

Third Reading Votes: House 98-2; Senate 36-14

Senate amended, House concurred 98-0.

Governor amended: House concurred 92-6, Senate concurred 47-0.

HB 894 Sands

Provides that a water district may expand when it has excess water capacity in the same manner as a sewer district when it has excess sewerage capacity. Deletes the requirement that such expansion must be in unincorporated areas and requires the consent of affected property owners.

Amending: 7-13-2341

Committee Hearings: House Local Government; Senate Local Government

Second Reading Votes: House 95-0; Senate 39-0

Third Reading Votes: House 95-1; Senate 50-0

Senate amended, House concurred 96-1.



HB 947 Bardanouve

Appropriates money to the Department of Natural Resources and Conservation for loans and grants under the Water Development Program and the Renewable Resource Program.

Amending: 90-2-107

Committee Hearings: House Appropriations; Senate Finance and Claims

Second Reading Votes: House 82-11; Senate 49-0

Third Reading Votes: House 84-10; Senate 45-3

Senate amended, House concurred 88-5.

SB 273 Thayer

Establishes contract requirements for the construction, repair, alteration, improvement, maintenance, rehabilitation, or reconstruction of a state water project.

Amending: 18-2-201

Committee Hearings: Senate Natural Resources

House Natural Resources

Second Reading Votes: Senate 47-0; House 85-0

Third Reading Votes: Senate 45-0; House 98-0

House amended, Senate concurred 50-0.

SB 283 Galt

Generally revises and clarifies laws relating to the Water Development Program. Generally revises and clarifies laws relating to the Renewable Resource Development Program to make it compatible with the Water Development Program.

Amending: 7-7-109, 17-5-703, 17-5-711, 17-5-713 through 17-5-715,  
17-5-718, 85-1-332, 85-1-604, 85-1-605, 85-1-610,  
85-1-617, 85-1-619, 85-1-623, 90-2-121, 90-2-123 and  
90-2-125

Committee Hearings: Senate Natural Resources

House Natural Resources

Second Reading Votes: Senate 50-0; House 98-0

Third Reading Votes: Senate 49-0; House 99-0

House amended, Senate concurred 45-0.

SB 369 Neuman

Provides for the safety of dams and reservoirs.

Amending: 85-15-101, 85-15-102 and 85-15-104

Repealing: 85-15-103

Committee Hearings: Senate Natural Resources

House Natural Resources

Second Reading Votes: Senate 34-9; House 92-2

Third Reading Votes: Senate 44-4; House 96-4

House amended, Senate concurred 43-2.

## SJR 29 Weeding

A resolution recognizing and supporting the efforts of Senator Dave Manning on behalf of off-stream storage hydropower development in the Yellowstone River Basin. Also directing the Department of Natural Resources and Conservation to collect and centralize the information supporting the gravity diversion concept, document future water needs to implement this concept, and pursue project planning and financing discussions with the federal government.

Committee Hearings: Senate Natural Resources  
House State Administration  
Second Reading Votes: Senate 50-0; House 93-0  
Third Reading Votes: Senate 49-1; House 98-2

## **Killed**

### HB 422 Swift

Revises the law relating to water well contractors. Providing for: board compensation; grounds for disciplinary actions against licensees; and removal of authority for temporary licenses.

Amending: 37-43-201, 37-43-307 and 37-43-311  
Repealing: 37-43-304  
Committee Hearings: House Business and Labor  
Died in committee.

### HB 740 Grady

Appropriates \$12,242 from the general fund for the Department of Natural Resources and Conservation membership in the National Water Resources Association.

Committee Hearings: House Appropriations, Natural Resources  
Subcommittee  
Died in committee.

# **Policy**

## **Passed**

### HB 680 Iverson

Revises state water policy to maximize Montana's interests in the interstate allocation of water. Amends criteria for water appropriation and changes in appropriation. Provides for a limited water leasing program but exempts water reservations from the leasing program. Places certain pipelines under the Montana Major Facility Siting Act. Provides for water reservations in the Missouri River



Basin. Establishes a water resources data management system, creates a permanent water policy committee, and repeals the ban on the use of water for coal slurry.

Amending: 75-20-104, 75-20-202, 75-20-218, 75-20-303, 75-20-1202, 85-1-203 through 85-1-205, 85-1-621, 85-2-102, 85-2-112, 85-2-122, 85-2-124, 85-2-301, 85-2-311, 85-2-312, 85-2-316, 85-2-402, and section 7, chapter 706, Laws of 1983

Repealing: 85-2-104

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 87-8; Senate 44-6

Third Reading Votes: House 83-15; Senate 45-5

Senate amended, House concurred 79-18.

### HB 952 Iverson

Appropriates funds for implementation of the recommendations of the Select Committee on Water Marketing to further the development of a comprehensive water policy for Montana.

Committee Hearings: House Appropriations; Senate Finance and Claims

Second Reading Votes: House 83-10; Senate 36-8

Third Reading Votes: House 85-7; Senate 48-1

## Quality

See also HB 698 p. 38, HB 766 p. 62, and HB 922 p. 51

### Passed

#### HB 187 Harper

Authorizes District Courts to award the Department of Health and Environmental Sciences the costs incurred to investigate and abate violations of the Public Water Supply Act.

Amending: 75-6-111

Committee Hearings: House Judiciary; Senate Judiciary

Second Reading Votes: House 66-3; Senate 50-0

Third Reading Votes: House 69-29; Senate 47-1

Senate amended, House concurred 70-25.

HB 711 Cohen

Allows the governing body of a county to prohibit the sale and distribution of certain phosphorus compounds used for cleaning purposes and requires the Department of Health and Environmental Sciences to adopt a model rule.

Committee Hearings: House Natural Resources  
Senate Public Health, Welfare and Safety

Second Reading Votes: House 73-21; Senate 33-14

Third Reading Votes: House 67-32; Senate 35-15

Senate amended, House concurred 83-14.

HB 727 Hansen

Expands the rulemaking authority of local boards of health to ensure maintenance of sewer systems not controlled by the Department of Health and Environmental Sciences, and increases penalties for violations.

Amending: 50-2-116 and 50-2-124

Committee Hearings: House Local Government; Senate Local Government

Second Reading Votes: House 86-12; Senate 49-0

Third Reading Votes: House 86-12; Senate 50-0

Senate amended, House not concurred.

Conference committee: House 92-6; Senate 47-1.

SB 365 Eck

Adds contaminant migration and degradation of groundwater quality to the facts that may be alleged to seek designation or modification of a controlled groundwater area.

Amending: 85-2-506

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 46-0; House 93-0

Third Reading Votes: Senate 48-2; House 98-0



## Killed

HB 537 Cohen

Appropriating \$20,000 to the Flathead Basin Commission to fund the Commission's share of an interagency agreement to monitor water quality in the Flathead Basin.

Committee Hearings: House Appropriations  
Died in committee.

## Stream Access

See also SB 435 p. 20

## Passed

HB 265 Ream

Generally defines laws relating to recreational use of state waters:

- Prohibits recreational use of diverted waters;
- Restricts landowner liability when water is being used for recreation;
- Establishes the right to portage; and
- Prohibits acquisition of a prescriptive easement by recreational use of surface waters.

Amending: 70-19-405

Committee Hearings: House Judiciary; Senate Judiciary

Second Reading Votes: House 90-8; Senate 42-8

Third Reading Votes: House 91-6; Senate 41-7

Senate amended, House not concurred.

Conference Committee: House 85-12; Senate 29-21.

HB 520 Grady

Clarifies that the public does not have the right to make recreational use of waters that have been diverted for purposes of appropriation.

Committee Hearings: House Judiciary; Senate Judiciary

Second Reading Votes: House 95-0; Senate 48-0

Third Reading Votes: House 96-4; Senate 48-0

## Killed

### HB 16 Marks

Defines laws governing recreational use of state waters and provides definitions for "barrier" and "ordinary high-water mark." The public may make recreational use of surface waters that satisfy the federal test of navigability for purposes of state ownership. The public may not use waters diverted from a natural water body for beneficial purposes. Recreational water users may portage around barriers in the least obtrusive manner possible. Recreational use cannot lead to a prescriptive easement. The landowner or tenant is not, in general, liable for a person making recreational use of waters.

Amending 70-19-405

Repealing: 87-2-305

Committee Hearings: House Judiciary  
Died in committee.

### HB 275 Cobb

Defines laws relating to recreational use of state waters to: prohibit recreational use of diverted waters; restrict landowners liability for recreational users; and provide that a prescriptive easement cannot be acquired by recreational use of surface waters.

Amending: 70-19-405

Committee Hearings: House Judiciary  
Died in committee.

### HB 498 Ellison

Defines the laws governing the rights and responsibilities of property owners and the public related to recreational use of state waters:

- provides definitions of terms
- prohibits recreational use of diverted waters
- restricts landowner liability for recreational water users
- prohibits acquisition of prescriptive easements by recreational use
- grants powers to protect aquatic ecosystems through limitations of public use upon surface waters.

Amending: 70-19-405

Committee Hearings: House Judiciary  
Died in committee.



SB 418 Boylan

Defines "ordinary high-water mark."

Committee Hearings: Senate Judiciary; House Judiciary  
Adverse House committee report. Died in House 18-76.

SB 421 Story

Limits the liability of a landowner, his agent, or his tenant toward persons making recreational use of surface waters adjacent to the landowner's property.

Committee Hearings: Senate Judiciary; House Judiciary  
Died in House committee.

SB 424 B. Williams

Defines "prescriptive easement" and provides that a prescriptive easement may not be acquired through recreational use of land or water.

Amending: 70-19-405

Committee Hearings: Senate Judiciary; House Judiciary  
Adverse House committee report. Died in House 25-69.

## Other

See also HB 6 p. 37, HB 488 p. 10, HB 922 p. 51, and SB 112 p. 37

## Passed

HB 423 Gilbert

Provides that aircraft landings and takeoffs from public waters and roads are lawful.

Amending: 67-1-204

Committee Hearings: House State Administration; Senate Judiciary  
Second Reading Votes: House 90-6; Senate 50-0  
Third Reading Votes: House 86-13; Senate 49-0  
Senate amended, House concurred 92-4.

SB 223 Neuman

Provides for the filing of water right transfer certificates with the Department of Natural Resources and Conservation.

Amending: 85-2-421, 85-2-424 and 85-2-426

Repealing: 85-2-425

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 50-0; House 74-4

Third Reading Votes: Senate 46-2; House 96-2

**Killed**

HB 886 Holliday

Appropriating \$32,500 to carry out recommendations of the Governor's Groundwater Advisory Council.

Committee Hearings: House Appropriations, Natural Resources  
Subcommittee

Died in committee.

HB 941 Nathe

Appropriates \$30,000 to Montana State University for cooperative research with the University of Missouri on the use of hydraulic capsule pipeline technology to transport commodities.

Committee Hearings: House Appropriations  
Died in committee.

SB 231 Goodover

Gives the Department of Fish, Wildlife, and Parks jurisdiction over the safe operation of seaplanes on water.

Amending: 23-2-523 and 23-2-527

Committee Hearings: Senate Fish and Game  
Died in committee.

SJR 13 Eck

A resolution requesting formal establishment of a Groundwater Information Center at the Montana Bureau of Mines and Geology and requesting the Montana Board of Regents of Higher Education to provide for sustained funding of the center.

Committee Hearings: Senate Education and Cultural Resources  
House Appropriations

Died in House committee.



# SUMMARY OF NATURAL RESOURCE LEGISLATION

Subject*	Bills and Resolutions			Passed Both Houses	Died in	
	Introduced	House	Senate		House	Senate
<b>TOTALS</b>	<b>269</b>	<b>187</b>	<b>82</b>	<b>156</b>	<b>80</b>	<b>33</b>
<b>Air Quality</b>	2	2	0	0	2	0
<b>Energy</b>						
Major Facility Siting	6	5	1	5	0	1
Renewable Energy and Conservation	17	12	5	5	8	4
Other	<u>10</u>	<u>7</u>	<u>3</u>	<u>7</u>	<u>2</u>	<u>1</u>
Subtotal	33	24	9	17	10	6
<b>Environmental Quality</b>						
General	12	10	2	7	4	1
MEPA	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>
Subtotal	13	10	3	7	4	2
<b>Fish and Wildlife</b>						
Hunting, Fishing, etc.	1	8	2	6	4	0
Other	<u>22</u>	<u>16</u>	<u>6</u>	<u>13</u>	<u>8</u>	<u>1</u>
Subtotal	32	24	8	19	12	1

\*Subject tallies include cross-referenced bills that address a topic but are not included in the subject category.  
Totals do not include cross-referenced bills.

Subject*	Bills and Resolutions			Passed	Died in	
	Introduced	House	Senate	Both Houses	House	Senate
<b>Land Use</b>						
Annexation	5	5	0	3	2	0
Conservation Dist.	1	1	0	1	0	0
Eminent Domain	1	1	0	1	0	0
Farmland Preservation	5	3	2	4	1	0
Forest Lands	6	3	3	4	1	1
Parks and Recreation	3	2	1	3	0	0
Planning	2	1	1	2	0	0
Public Lands	10	5	5	8	0	2
Subdivisions	10	8	2	7	3	0
Other	<u>17</u>	<u>13</u>	<u>4</u>	<u>11</u>	<u>3</u>	<u>3</u>
Subtotal	60	42	18	44	10	6
<b>Mineral and Petroleum Development</b>						
Exploration, Operations, and Reclamation	9	5	4	7	1	1
Local Impact Mitigation	11	8	3	6	2	3
Taxation and Royalties						
Coal Severance	23	18	5	6	11	6
Net and Gross Proceeds	5	2	3	3	2	0
Oil and Gas Severance	4	3	1	1	2	1
Resource Indemnity Trust	5	4	1	1	3	1
Other Taxation and Royalties	2	2	0	1	1	0
Other	<u>12</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>2</u>	<u>4</u>
Subtotal	71	48	23	32	23	16
<b>Pest and Weed Control</b>						
Toxicants	2	1	1	2	0	0
Other	<u>8</u>	<u>8</u>	<u>0</u>	<u>3</u>	<u>4</u>	<u>1</u>
Subtotal	10	9	1	5	4	1
<b>Public and Occupational Health</b>						
	7	2	5	5	1	1
<b>Waste Control</b>						
Hazardous	10	9	1	8	2	0
Junk Vehicles	1	1	0	1	0	0
Solid Waste	2	2	0	0	1	1
Other	<u>3</u>	<u>3</u>	<u>0</u>	<u>1</u>	<u>2</u>	<u>0</u>
Subtotal	16	15	1	10	5	1
<b>Water</b>						
Apportionment/Adjudication	11	3	8	8	0	3
Development	9	5	4	7	2	0
Policy	2	2	0	2	0	0
Quality	8	7	1	7	1	0
Stream Access	9	5	4	2	7	0
Other	<u>10</u>	<u>6</u>	<u>4</u>	<u>5</u>	<u>4</u>	<u>1</u>
Subtotal	49	28	21	31	14	4



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